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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, in whose patient hands the mighty seasons move with quiet beauty, we acknowledge today our great need for Your guidance. Lord, we are challenged by complexities that require more than human wisdom. We sometimes feel like children grasping in the darkness, lost without light.

Bless this Government of the people, for the people, and by the people. Guide its leaders to strive to possess that righteousness that exalts a nation and to inspire others to pursue truth. Enlighten the Members of this body with Your wisdom, lest the darkness of our times hide the paths of Your providence.

We commit this day to You, Lord, for You are able to do exceedingly, abundantly above all that we can ask or imagine, according to Your power, working in and through each of us. We pray this prayer in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a

period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the majority leader or his designee and the second 30 minutes under the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will have a period for morning business for up to 60 minutes. Following that hour for debate, we expect to begin consideration of the State Department authorization bill. We have not yet locked in that agreement, but I am hopeful we will be able to reach a consent agreement shortly. Chairman LUGAR is ready to proceed with the bill. We hope to make substantial progress during today's session.

Under the order last night, we have scheduled a vote for 4:45 p.m. today on the adoption of a resolution relating to Pope John Paul II. I anticipate we will have additional votes today on amendments to the State Department bill.

Also this evening, once we complete our business for the day on the State Department legislation, we will have a 70-minute period for debate on the issue of Social Security. I encourage all Members to remain for this important question-and-answer period.

I also remind our colleagues that on Wednesday, there will be a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko. That address is scheduled for 11 a.m. Senators should be in the Senate Chamber at 10:30 so we may proceed to the Hall of the House of Representatives.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Florida is recognized.

HONORING POPE JOHN PAUL II

Mr. MARTINEZ. Mr. President, this morning, as the world has taken notice of the passing of Pope John Paul II, I rise to speak. I know the Senate today will be taking a resolution to speak to the issue of the Pope's passing.

As a person of the Roman Catholic faith myself, I thought it important and appropriate that this morning I take a few moments to speak to the greatness of this man and the contributions he made not only to enriching the faith life of those of us who practice the Roman Catholic faith, but to the people of the world as a great statesman and moral leader.

Pope John Paul was one of the remarkable people of our times. His papacy lasted 26 years, which is the third longest in the over 2,000-year history of our church. But it was during tumultuous and difficult times. Pope John Paul was prepared for this papacy, prepared for this mantle of leadership through tremendous hardships in his life. As a young person, he lost his mother very early in life, only to be followed by the very dramatic loss of his only brother, and only a very few years later the loss of his beloved father. So at a very young age, as a very young man, Pope John Paul was left alone in the world without any close family. He developed a long and strong network of friendships that he maintained all through his life, and even through the days of his papacy.

In addition, the Pope's youth was tempered by living under tyranny, by the fact that in his youth he had to be subjected to the tyrannical occupation by Germany of his Polish homeland and the persecution of people such as himself—people of faith.

In addition, once that was over and he began to seek his vocational pursuit in the priesthood, he had to do so underground, because subsequent to the German occupation and the Nazi regimes, and immediately thereafter, it was followed by the Communist takeover of Poland. Eastern Europe, as we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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all know, became engulfed and contained by what came to be known, in the words of Sir Winston Churchill, as the Iron Curtain, with Poland falling behind the walls of that Iron Curtain, where religion was suppressed, faith was not to be practiced openly, and where he could not attend seminary openly. He would have to do it in an underground fashion.

The Pope's preparation for his priesthood and his papacy was forged in the difficult times that he faced not only personally but also in his life as a citizen of Poland. It then fell upon him to be Pope at a time when the world was undergoing change, and at a time when the people of his beloved Poland were energized as no other in history by his papacy and his theme of "be not afraid." His trip back to Poland in the early years of his papacy was punctuated by his remarkable reception by the people of Poland—people thirsty for freedom, thirsty for an opportunity to end the yoke of tyranny and communism. So the papal visit was a transcending moment in the history of Poland. As we now know, it was a transcending moment in the history of our world because it did signal the beginning of the end of Communist rule in Eastern Europe.

We know Pope John Paul worked closely with several U.S. Presidents but none more closely than President Ronald Reagan, in those crucial years when the Cold War came to a head, and when we saw the beginning of the fraying of what was a failed system, a system that had only been maintained through terror and fear. His theme of "be not afraid" began to be heard and responded to, and the people of Poland began that surge toward freedom, which was inevitable in all of Eastern Europe. So the Pope's contribution there was crucial, critical, and was something that I think we all saw as a tremendous contribution.

Of course, the Pope also visited the United States on many occasions. I believe I have heard over the last several days it was the second most visited country after his beloved Poland. It was with great significance that we received him here, and it made a tremendous difference in the life of our own country. More recently, he visited Cuba 8 years ago. Cuba is an imprisoned land where there had never been a papal visit. Also, it is a country ruled under the same tyrannical communism he saw in his native Poland during his youth and he battled all during his adult life being suppressed in his ability to worship freely.

Cuba happens to be the place where I was born, where I began my life, and where the principles of the Catholic faith were taught to me early in life by my family and my church. It was in that same land that I came to understand the meaning of oppression, tyranny, and the lack of religious freedom the Pope had experienced in his youth. He and I, in different parts of the world, in a sense shared a common ex-

perience and understanding of the limitations of freedom that are sometimes placed upon people by governments that do not respect what we find so basic and so rightful, which is the right of free speech and the right of practicing one's religion freely. The Pope's trip to Cuba was a monumental thing because it helped the people to begin again to practice their faith in a more open way. His theme of "be not afraid" was heard by Cuba, and thousands of Cubans were for the first time expressing their faith in an open way, in a way they had not been permitted to do before, but which now they dare to do.

The Pope's visit did not have the same galvanizing political effect it had in Poland, where it also led to political change, but it did have a strong pastoral theme, a message that the people of Cuba welcomed with open arms. It also inspired the archbishop in Santiago, Cuba, the second largest city in Cuba, to speak forcefully about oppression in Cuba, the lack of religious freedom, and continuation of oppression—the kind of religious oppression I felt in my life that led me to seek freedom in the United States, with the very help of the same church the Pope came to lead, the Catholic Church. His fight against atheists and communism over the years also led him to conduct a program called Operation Peter Pan, which took 14,000 young people from Cuba to freedom in the United States. I was lucky enough to be among them, so my life began under the care of the Catholic church.

I understand fully the religious oppression the people of Cuba have suffered, which continues to this day but which the Pope made a little better. He gave them a window, an opening, a moment, for the first time in over 35 years. Christmas was celebrated in anticipation of the papal visit. Unfortunately, Cuba now has fallen back into a more repressive practice, and freedom of religion is curtailed even more today.

As we look at the Pope's life, at this moment in history, as we reflect on this remarkable man, his remarkable life, and the contributions he made, we also must continue to understand there is work still to be done. There are people in the world who still are hungry and suffer, and there are those who still lack the religious freedoms to openly practice their faith, much as the Pope in his youth was curtailed. People today in Cuba and other places around the world still yearn for that opportunity to freely worship and to do what we do. As we began our proceedings this morning, the Chaplain of the Senate offered a word of prayer.

I conclude by simply saying that we have been touched in our lives by this remarkable man, this life which has shaped the world in which we live. It is a life well lived. As he has come to the end of his journey, I hope those of us who share in his faith and in his ideals of the respect of every human life and every human being will continue to

carry on the wonderful legacy he left for us.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, today I join in mourning the loss of Pope John Paul II. In my lifetime, he was the first Pope I can remember who could actually be put in the category of being an evangelist.

No other Pope ever traveled as much as this Pope did, and no man ever took the Word to the different corners of the world like this man did, and that is why he is so revered around the world.

(The remarks of Mr. BURNS pertaining to the introduction of S. 696 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 600

Mr. BURNS. Mr. President, I ask unanimous consent that following morning business today the Senate begin consideration of S. 600, the State Department authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT ACCOUNTABILITY

Mr. DORGAN. Mr. President, I rise this morning to talk about three areas of accountability as we begin discussing a range of things in the Senate this week. The issue of accountability rises on the question of the report offered to the American people and to the Congress by Judge Laurence Silberman and former Senator Chuck Robb. It deals with the question of intelligence preceding the Iraq war.

The 600-page report given us was largely a useless retelling of what we know already. I do not want to completely diminish the effort, and there are some things in that report that are interesting, but the fact is, we already know that the intelligence with respect to Iraq was dead wrong. The major question is, How was the intelligence used and for what purpose was it used?

We know what we were told prior to the Iraq war. All of us went to briefings up in the room in the Capitol where we receive top secret briefings, and we heard all kinds of language there and in the popular press by people in this administration and others who said that this was a certainty, that they knew where the weapons of mass destruction were in Iraq; it was urgent; there were unmanned aerial vehicles to deliver weapons of mass destruction; this is a slam dunk.

Now we know not only from this report but from previous reports that this intelligence was gathered, for example, with respect to one of the issues, as our Secretary of State told the world in the United Nations presentation, concerning the prospect that the Iraqis were developing a mobile chemical weapons lab to produce weapons of mass destruction. Now we discover that information came from a source named "curve ball." It was a single-source piece of information. Some suspect that "curve ball" was a drunk, at least when he met with our intelligence folks. It says that he was suspected of having a hangover. We know that he was a fabricator.

So on the basis of a fabricator, a drunk, single source, we told the world through our Secretary of State that Iraq had mobile chemical weapons labs that threatened our country.

The aluminum tubes are another story. I am not going to go through all the stories, but the question is, Where is the accountability? We get a 600-page report that tells us what we already know; that the intelligence with respect to Iraq was dead wrong. Where is the accountability? Where does the buck stop?

Mr. Tenet, who was the head of the CIA—and this 600-page report points certainly to him among others—was brought to the Oval Office, to the White House, and given the Medal of Freedom after he left the CIA. Where is the accountability? Is there accountability in this country for having gotten it not just wrong but, as the 600-page report says, dead wrong? Will this Congress require accountability? I think it is very important.

This 600-page report is half the story. The other part of the story is not only bad intelligence, but how was it used, and what was the purpose of using it? Go to the Woodward book, go to the O'Neill book, and one gets some hint of the connection to this.

I think this Congress is owed additional answers. I think this report was far too narrow.

Second, I want to ask about accountability with respect to an independent investigation that is going on in this town. The Washington Post report was surprising to me because I was not aware of these facts. The Washington Post did a story that said the cost of the Cisneros probe nears \$21 million over 10 years. This was a probe of Housing Secretary Henry Cisneros by independent counsel David Barrett. In May

of 1995, Mr. Barrett was appointed as independent counsel to investigate allegations that a then Cabinet Secretary lied to the FBI about money that he had paid to a former mistress. That was May 1995.

In September 1999, Mr. Cisneros pleaded guilty, paid a \$10,000 fine, and then following that he was later pardoned by President Clinton. By then, the independent counsel had spent \$10.3 million on his investigation, and since that time he has spent another \$10 million-plus on the investigation.

Is there a screw loose someplace? What are they thinking about? There was an independent counsel appointed 10 years ago to investigate an alleged impropriety by a Cabinet official. The Cabinet official pleaded guilty 4 years later, was pardoned a year after that. The independent counsel is still working? He is supposed to be supervised by three Federal judges, but the fact is, they are leaking money down there.

I intend to offer an amendment to the supplemental to shut off the funding. Ten years later, \$21 million, investigating the question of whether a Cabinet official lied about money paid to his mistress? He pleads guilty to it and we have a guy 10 years later still investigating it?

I think waste is a disaster in the Federal Government. Talk about waste, this is shameful, and if the three-judge panel does not have the common sense to shut this down, then the Congress, I hope, will have the common sense to shut it down. I will offer an amendment during the supplemental that shuts off the money and does it now.

The third area of accountability is this: As chairman of the Policy Committee on our side, I have held a good number of hearings on the issue of contracting in Iraq. There is massive waste, fraud, and abuse going on with respect to contracting in Iraq. All of us know there is money going out of this Congress in wholesale quantities, tens of billions of dollars.

Last year, Congress passed a bill for reconstruction money in Iraq. I did not vote for it; I voted against it. In fact, I offered an amendment to shut it down, reconstruction money to the tune of nearly \$19 billion for the reconstruction of Iraq. In addition to that, we have spent nearly \$160 billion to \$180 billion on the war in Iraq. There is an \$82 billion request before the Senate right now. That is the supplemental I was referring to earlier. This is a massive amount of money being spent with respect to the operations in Iraq and also the reconstruction in Iraq.

I will talk a bit about what we have learned. One contractor was feeding our troops and charged the American Government, the Pentagon, for feeding 42,000 troops a day. It turns out this contractor was only providing 14,000 meals a day. We are getting billed for 42,000 meals, but the contractor was only providing 14,000 meals. Someplace 28,000 meals are charged for that were never offered to our troops, or perhaps not needed.

I come from a small town, and they call that cheating in my hometown. That contractor is still the largest contractor in Iraq being paid by the U.S. taxpayer.

We had testimony from truckdrivers who were hired to move goods around Iraq, including fuel coming into Iraq by contractors. Truckdrivers testified that \$85,000 brandnew trucks were left on the side of the road to be torched and looted because they had a clogged fuel pump or because they had a flat tire they could not fix. What did they do? They left the truck beside the road, just abandoned the truck. That is the kind of waste, fraud, and abuse that is going on.

We had a guy testify and show us a picture of the bags of cash that were used to give to contractors in Iraq. One contract company started business in Iraq with \$450. They have been paid tens of millions of dollars now. Two of their employees, by the way, became whistleblowers and said: What we are seeing is making us sick, so we are going to tell somebody about it.

Here is what they said: These two people who started this company and are contracting with the U.S. Government—it is called the Coalition Provisional Authority that we created in Iraq; it was us, we paid for it—were providing security at an airport, and they were alleged by the employees to have taken forklift trucks off the airport property to a warehouse, repaint them blue, and then bring them back to the airport and sell them to the U.S. taxpayers through the Coalition Provisional Authority. Again, in my hometown, they call that fraud.

We had a big picture that one of the other whistleblowers had taken who worked in Iraq, and he said: We told contractors in Iraq that when it was time to get paid, just bring a big bag because we are going to give you cash. He showed us one picture of the contractor I discussed, the one with respect to the forklift trucks. He showed one picture of \$2 million wrapped in Saran Wrap in bundles sitting on a table and the contractor comes with a big bag and they get their \$2 million and waltz off.

This contractor, by the way, was also alleged to have created a subsidiary in the country of Lebanon for the purpose of buying and selling to and from itself so it could inflate prices and therefore further cheat the United States taxpayer.

It is unbelievable what we have learned about contracting in Iraq. One whistleblower came forward and said he was the buyer who was supposed to buy towels for U.S. soldiers. He said this is the towel I bought under orders from my superiors. The company wanted to pay almost double the price of the towel in order to have the company's name embroidered on the towel the soldiers used—unbelievable waste.

When you think of what is happening, this Congress is shoveling out tens of billions of dollars in pursuit of

all of this and nobody is watching the store. You hear the stories about us paying for reconstruction of a building in Iraq—and we are doing it for thousands of buildings. We decide we are going to put an air conditioner in that building, so it is subcontracted to an Iraq subcontracting company. First it goes to the contractors who are in Iraq being paid by our Government, some of whom I have described here, and then it goes to an Iraq subcontractor, and then the subcontractor for that subcontractor, and pretty soon that air conditioner in the building became a ceiling fan and we paid for an air conditioner and the ceiling fan doesn't work. So there you are.

The question is, who in this Congress is going to decide this matters at a time when we are up to our neck in debt, the largest debt in the history of this country, with a fiscal policy that is way off track, a President who sends us a budget with the highest Federal budget deficits in history, and trade deficits that are the highest in history, a combined fiscal policy and trade deficit of over \$1 trillion in the past year? We are sinking and drowning in debt. Who is going to care about this kind of waste, fraud, and abuse, the most serious I have seen in all the years I have served in the Congress?

I raise this because it relates to accountability, accountability with respect to the use of intelligence prior to the war in Iraq, accountability with an independent counsel who spent \$21 million 10 years after the fact when he was supposed to investigate a Cabinet official who lied about paying money to his mistress. This is an independent counsel who is still operating and has spent \$21 million. Who is accountable for that? Who is accountable for waste, fraud, and abuse in Iraq?

Harry Truman had the famous sign on his desk, "The buck stops here." These days the buck doesn't seem to stop anywhere. Nobody seems to be accountable for anything.

I intend to offer another amendment. I don't know whether I will offer it on the existing bill or on the supplemental, but I will offer it again, setting up a Truman committee of sorts. In 1941, at the start of the Second World War, Harry Truman, then a Democratic Senator when a Democrat was in the White House, traveled around this country and saw waste, fraud, and abuse in military spending. He created a special committee and as a result of the investigation of that committee they unearthed massive fraud and massive waste. That was when a Democrat in the Congress did it, when a Democrat was in the White House.

These days nobody wants to raise any questions. You don't want to make any waves because we have one-party control and we don't want to talk about this, that, or the other thing. The fact is, I have never seen the kind of waste that now exists with respect to our operations in Iraq. It undercuts and undermines our soldiers' efforts, in my

judgment. It cheats America's taxpayers, and it represents the worst of Government.

We ought to be able to hire contractors who will do the job without allowing waste, fraud, and abuse to represent the major impact of what we see happening in Iraq these days with respect to these contractors.

Part of this stems from greed. Part of it stems from the fact that many of these contracts in Iraq are no-bid contracts—one company. I have not mentioned Halliburton, but I could because a lot of it deals with Halliburton and KBR—not exclusively, but a lot of it. Any time somebody mentions Halliburton, somebody says: Oh, you are attacking the Vice President. Not a bit. This happened after the Vice President left Halliburton. These are of recent vintage, these activities in Iraq. It is not an attack on anybody. It is in support of the taxpayers of this country. We ought not allow this to happen. Republicans and Democrats all ought to stand on their feet and demand accountability and demand that the waste, fraud, and abuse stop—\$8,000 a month to rent an SUV; \$40 for a case of pop or soda—Coca-Cola.

There were 50,000 pounds of nails ordered by a contractor to Iraq. They were the wrong length, so they dumped them. If anybody wants to pick up 50,000 pounds of nails, they are laying in the sand in Iraq. It is unbelievable the waste, fraud, and abuse we hear about.

The reason I have held the hearings in the Democratic Policy Committee is nobody else will hold hearings. No one else wants to hold these contractors accountable. There are whistleblowers all over who are disgusted with what they saw, working for contractors and supervising contractors in Iraq.

I have only described a brief portion of what we learned in these hearings. We intend to conduct additional hearings. My preference would be that we not conduct these hearings in my committee. My preference would be that the authorizing committees and the relevant committees that should be assuming oversight of this would hold aggressive hearings, but they don't and they probably won't, and as a result we will continue to do this.

I am intending to offer an amendment to create a Truman-type committee here in the Congress, as we did some decades ago, to take a hard look at what is happening through that kind of committee, an investigative committee that would include Republicans and Democrats, all of whom I hope would be committed and dedicated to the task of deciding that waste, fraud, and abuse is not something that should happen on any of our watches here in the Congress.

Again, I think the key issue here is accountability. There seems to be none these days in almost any direction. I hope in all of these areas we can begin to decide there is accountability, at least here in the Congress.

I yield the floor and make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JOHN PAUL II

Mr. SALAZAR. Mr. President, I rise this morning, just having returned to Washington from Colorado, to share a few comments about the Holy Father, Pope John Paul II.

My family's faith tradition—like yours, Mr. President—since time immemorial has been Roman Catholic. In Pope John Paul II, we witnessed a great spiritual leader, a conscience and a statesman.

Pope John Paul II exemplified the values and teachings of Jesus Christ in his humility, service to others, and in his struggle to have the world recognize the dignity of every human being. John Paul II lived the creed of Jesus Christ as set forth in the Book of Matthew, Chapter 23, Verses 11–12, where Jesus, speaking to the crowds and his disciples, said:

The more lowly your service to others, the greater you are. To be the greatest, be a servant. But those who think themselves great shall be disappointed and humbled; and those who humble themselves shall be exalted.

More than 26 years ago, in the eighth round of voting, Karol Wojtyla was elected to head the Roman Catholic Church. His predecessor, Pope John Paul I, had died after only 32 days as Pope. The selection of the charismatic Polish cardinal—the first non-Italian pope in 455 years—surprised many people both inside and outside the Catholic Church.

In the quarter-century since then, Pope John Paul II continued to surprise—and challenge—not only members of my church but, indeed, the entire world to recognize and celebrate the dignity of each and every person.

But that was not all "the Pilgrim Pope" revolutionized. Where previous pontiffs had often seemed distant from their flocks, Pope John Paul II traveled to more nations and spoke to more people—often times in their language—than any other pontiff in the history of the Roman Catholic Church.

His first trip abroad as pontiff was to a region in crisis. Latin America, home of half the world's Roman Catholics, was ravaged not just by poverty and hunger but by violence and civil war that claimed tens of thousands of innocent lives.

His next trip was to his homeland, Poland, a land that been subjugated for decades, first by Nazism, then by communism. One journalist wrote that the pope's visit to Poland "helped bring about such profound, irreversible

changes that Poland then became a country which was clearly ceasing to be a communist country.”

John Paul also visited America during the first year of his Papacy, attracting huge crowds wherever he went. In my home State of Colorado, 1993, he came to Denver, bringing a message of substance and hope to the young people of the world. I remember that visit fondly—and recall my father’s excitement after he reached over a fence to touch the Pope.

This pope is recognized—and rightly so—as a sort of patron saint for the Solidarity movement in Poland and a catalyst for the demise of communism in the Soviet Union and Eastern Europe.

But that was only part of this pope’s message. He has also warned repeatedly about the shortcomings of capitalism. He reminded us all that we have an obligation to help the poor and the oppressed.

In 1998, he traveled to Cuba, strengthening a Church that is doing more and more to help that country’s forgotten, and breathing life into an opposition movement that surprised the world—and that country’s backward regime—with a grassroots call for reform.

In 1999, he again visited the US, reminding us of our duty to not forget the poor and oppressed and continuing his special outreach to America’s young people and challenging them to fight for a better America and a better world.

And in 2000, a visibly frail Pope visited the Holy Land to mark the Millennium and in an attempt to bring Jews, Christians and Muslims together. Both Jews and Muslims and Christians welcomed him—and recognized and celebrated his visit—and applauded of optimism his words and hope.

His efforts to heal the rift between the Vatican and Jews had to be colored by his own experience with the brutality of anti-Semitism that he had witnessed. In September 1939, he saw his university in Krakow shut down and eventually saw several of his friends and classmates sent to Auschwitz after the Nazis invaded Poland.

His efforts at healing historical rifts continued, evidenced by meetings with the Archbishop of Canterbury, the highest ranking official in the Episcopal Church. Many wished he could have done more on these hurtful rifts, but no one doubted that he began to confront these challenges like no Pope has ever done in the history of our Church.

For these nearly 27 years, the Pilgrim Pope John Paul II—an accomplished poet, an intellectual and a mystic in that fine Catholic tradition—was hailed as a visionary and attacked as a relic. Within the Church itself—as in the scores of countries he visited—he was criticized by critics on both the left and the right. That is because in the Church and on each of his many trips, he brought not only comfort and

hope—hope for peace in Latin America, freedom in Eastern Europe, reconciliation in the Middle East, and improvement in America—but he also brought discomfort and challenges for all of us to do better.

In 2003, the Vatican had this to say about the role of the Church in public life,

The Church does not wish to exercise political power or to eliminate the freedom of opinion of Catholics regarding contingent questions.

Instead, it intends—as is its proper function—to instruct and illuminate the consciences of the faithful, particularly those involved in political life, so that their actions may always serve the integral promotion of the human person and the common good.

None of us lived up to the challenges and prescriptions the Pope mapped out in 27 years in a perfect way. We could not because Pope John Paul II challenged all of us to do more, to be better.

Physically, the frail, stooped Pope we saw in the last weeks bore little resemblance to the athletic 58-year-old who ascended the throne of Peter nearly 27 years ago. But inwardly, he remained deeply consistent—challenging us to uphold the dignity of each and every person—and illuminated and instructed, as well as challenged and surprised the entire world.

We will miss Pope John Paul II, but his vibrant legacy lives on in each of us and in the lessons and challenges he placed before us.

I thank the President and yield the floor.

Mr. DURBIN. Mr. President, Zbigniew Brzezinski, the Polish-born national security advisor to President Jimmy Carter, tells a story about how the news of Cardinal Karol Wojtyla’s election as Pope was received by the communist rulers of Poland.

On that day in October 1978, Mr. Brzezinski said, a group of communist writers and party leaders were meeting in Krakow. A police colonel was speaking, complaining about the opposition of the church, when a woman ran into the room and said, “Wojtyla has been elected Pope!”

The second secretary of the party, not realizing his microphone was still on, turned to the first secretary and said, “My God, my God, now we will have to kiss his”—and he did not say “ring.”

The first party secretary, understanding the enormity of the moment, replied, “Only if he lets us.”

In neighboring Czechoslovakia, a dissident playwright was with friends when news of the new Polish Pope came. Vaclav Havel, who would go on to become the first elected president of the Czech Republic, said he and his friends literally danced with joy when they heard the news. “We felt,” he said, “that he was a great and charismatic man who will open the door to an unprecedented renaissance in Christianity and through it, to human spirituality in general, and who will fun-

damentally influence the future destiny and political order of the world.”

More than 26 years later, those stories seem prophetic. Karol Wojtyla, Pope John Paul II, did indeed change the world.

Today, he is being mourned not only in his beloved Poland, and not only by Catholics, but by people throughout the world: Christians, Jews, Muslims, Hindus, Buddhists, people from every faith tradition, and many with no religious connections.

Last Friday, when it was clear the Pope was dying, a man in Havana, a self-described communist, told an Associated Press reporter, “I don’t believe in God. But if there is a God, let him send us a Pope as good as this one.”

In Istanbul, Turkey, the brother of the man who nearly killed the Pope said his brother is grieving. “He loved the Pope,” his brother said.

Among the places in this country where this Pope’s death has left many with an aching sadness is the Five Holy Martyrs Church on the southwest side of Chicago, the historic heart of Chicago’s large Polish community. More Poles live in Chicago, IL, than any other city in the world, other than Warsaw.

In October 1979, when Pope John Paul II made his first visit to America as Pope, he said Mass at the Five Holy Martyrs Church, where the Eucharist is still celebrated in Polish, on an altar in the church parking lot, surrounded by more than 17,000 people.

Today, the altar still stands in the parking lot; it is used once a year for a special commemorative Mass. A portion of 43rd Street near the Five Holy Martyrs Church has been renamed in the Pope’s honor. And many who saw him still recall it as one of the greatest days of their lives.

Think of this: half the people in the world today were not even born when Karol Wojtyla became Pope John Paul II. Most people under 40 have no memory of any other Pope, and remember John Paul only as an elderly and frail man.

Those of us who are a little older, though, remember just as clearly what a strong, athletic man he was before age and Parkinson’s disease began to take their toll. “God’s athlete,” some called him, and he showed in his life how much strength he had.

He was a traditionalist and a revolutionary, a son of Poland, and a citizen of the world. He was a mystic and a man of prayer, but he was also a man of action and seemingly inexhaustible energy. Reporters decades younger who accompanied him on his travels even in recent years, said they returned home exhausted. But John Paul never stopped.

He was more than a spiritual leader; he was a major player on the world diplomatic stage.

He visited more than 100 nations and every continent except Antarctica. All told, he traveled more than three times

the distance from the Earth to the Moon.

He spoke more languages than many people can name. In 1993, he visited Lithuania, Latvia and Estonia—his first trip as Pope to the former Soviet Union. For that trip, he learned his 14th language, Lithuanian, which I am sure my Lithuanian-born mother was very happy to hear.

Everywhere, his message was the same. It is what he told his fellow Poles on his first visit home as Pope in 1979: "Be not afraid." There is more to this life than what you can see here and now. "The moral arc of the universe is long," as another great moral leader told us, "but it bends toward justice."

He sided always with the oppressed, the marginalized, the voiceless, the victims of war and injustice.

He was fearless and unflinching in the face of leaders of governments that suppressed human rights and crushed human hopes. He defied the Nazis who occupied Poland when he was a young man, and the communists who followed them. He showed real strength that all of us admire.

His role in ending communism in Poland and bringing about the end of the Soviet empire is well documented and rightly praised. He also helped to bring an end to apartheid by refusing to visit South Africa until that repugnant form of government was abolished.

Peace, non-violence, the sanctity of life, the dignity of work, the realization that we are all part of one human family and that every person on earth shares "a common dignity and a common destiny," the belief that those who have much owe those who have less true justice, not mere charity, these are the lessons John Paul preached.

He taught us about reconciliation. He apologized for the Church for the Crusades, the Inquisition and the persecution of the Jews.

He showed us how to ask for forgiveness on his first trip home to Poland, when he visited the Nazi death camp at Auschwitz and knelt in prayer before a memorial to Holocaust victims. He showed us again on his first visit to Israel, in 2000, when he reached out his shaking hand to touch the Western Wall and leave a written prayer, a plea for forgiveness.

He showed us how to grant forgiveness when he visited the prison cell of the man who tried to kill him, and prayed with him.

He was the first Pope ever to visit a synagogue, or visit a mosque in an Islamic nation.

In his final days, he taught us another lesson: how to die with dignity.

John Paul II lived his life to try to heal the wounds that divide humanity. It is a measure of this extraordinary man's success that he has been praised in death by both Israeli Vice Premier Shimon Peres and Palestinian leader Mahmoud Abbas.

Karol Wojtyla had tears in his eyes when he became Pope. Many of us have

tears in our eyes as he leaves the papacy and this world.

Those of us who are Catholic feel a special connection to this Pope. Many of us did not always agree with him on matters of Church teaching and practice. That is not unusual. In every family, there are disputes. But there is also great love. Even when we differed with him, we believe the Pope tried to do what he believed was right, and that is all we can ask of anyone.

During his visit to Chicago more than 25 years ago, the Pope said mass in Chicago's Grant Park. Many business closed that day to let their workers attend the mass. People stood shoulder-to-shoulder in the park.

Later that night, thousands of Chicagoans gathered at the Cardinal's mansion to sing "good night" to the Pope. It was late, but they weren't ready to let him go. He smiled as the crowd sang—and sang some more. Finally, with that huge smile and that big, booming voice, the Pope told them, "Now you must go sleep." When no one moved, he smiled again and repeated, like a stern but loving father, "You must go sleep."

All these years later, many of us still wish he could have stayed with us just a little longer. But it was time for him to sleep.

So let us treasure the memory of this good man. And if we are moved to pay tribute to him, let us do our best to try to live the lessons he taught us with his own extraordinary life.

Mr. SCHUMER. Mr. President, I rise to pay tribute to the Holy Father.

Pope John Paul II was an extraordinary ambassador for the betterment of humankind in every corner of the globe. His humanity shone through every day for two and a half decades of his papacy and his impact on the world will be everlasting.

He was a moral leader in so many of the great battles of our time. He fought Communism without violence, and he was dogged in his battles against war, injustice, and intolerance wherever he found them. He viewed the world in clear terms of good and evil, but he never once descended to demagoguery. He was a man who at once understood both the frailty and potential of the human spirit.

What other kind of man could have forgiven his would be assassin in person and prayed with him in his jail cell?

His capacity for belief in the betterment of man moved the world.

What other kind of man could overcome centuries of mistrust and conflict to establish diplomatic ties between the Vatican and the State of Israel. That was truly a bold and historic move.

As a New Yorker, I also must offer to say a special thanks to the Pope from the residents of our State and city. New York is an international city that attracts immigrants from all over the world who come with the dream of finding a better life.

While the Pope might be the most famous Pole of his time, every one of our citizens admired and often shared his pluck, his expansiveness and his optimism, qualities that make New York the greatest city on Earth. That is one of the reasons he was revered as such a hero by all New Yorkers, because the qualities that he exhibited of optimism and pluck and expansiveness are characteristics of our city as well. So every time he came here, there was a beautiful union. Like the Statue of Liberty that he quoted in his visit to Giants Stadium in 1995, his life and work was a symbol to millions on these shores and beyond that they, too, if they worked hard and stuck to their principles and moral values, could enjoy a better life.

And when terrible tragedy struck our city that awful day 4 years ago, the Pope's poignant statements reassured all New Yorkers and all Americans. He said at that time:

May the Blessed Virgin, bring comfort and hope to all who are suffering because of the tragic terrorist attack that profoundly wounded the beloved American people in recent days. To all the sons and daughters of that great nation I now address my heartfelt thoughts and participation. May Mary receive the dead, console the survivors, sustain the families which have been especially tried and help everyone not to give in to the temptation to hatred and violence, but to commit themselves to serving justice and peace.

And he didn't stop there. After the attacks he convened an inter faith pilgrimage for peace to Assisi, the birthplace of St. Francis. He only led such a pilgrimage twice before—once during the Cold War, once during the Balkans conflict. He led leaders of Orthodox, Anglican, Protestant, Jewish, Muslim, Buddhist, Hindu, Sikh, Jain, Zoroastrian, Tenrikyo, Shinto and traditional African faiths in prayer and meditation. It was only a delegation he could have led.

Personally, I will never forget the Pope's visit to New York City in 1979. One glance at him and you saw that his nobility and his common touch combined so well in one human being was unforgettable for the millions of New Yorkers who lined the streets to greet him. People of all faiths and background mourn his passing. I join the billions of citizens around the world in a solemn prayer and remembrance of this great, wonderful, and holy man, Pope John Paul II.

I yield the floor.

Mr. GRAHAM. Mr. President, I add my voice to the millions of people throughout the world as we try to put in perspective the passing of Pope John Paul II.

As has been said many times in many ways, probably more than anything what struck me the most about the Holy Father was his ability to understand what could be when other people only saw what couldn't be. He understood that communism was an oppressive system. He lived under Nazi rule, and as he had the power to bring about change, he used that power for the

good. He went back to his home country of Poland and challenged his people to expect better and to demand better. That is what he did for the world.

He tried to challenge his church, to stick to the principles of the church as he saw those principles to be. He challenged the world to do better when it came to the less fortunate. He was consistent. He saw war as a bad thing. He understood that life was sacred and that the state should not take life. He was in opposition to the death penalty. There I may disagree, an honest disagreement.

But he had a consistency about him. When we try to put his beliefs in secular terms of being liberal or conservative, we totally miss the mark of understanding the Pope. He understood the past, he changed the present, and the future will be better because of his time on Earth.

His passing has left a void in a great religion. The Catholic faith has lost a great leader. The world has lost a great voice for humanity, for decency, for love, for caring, and that voice will echo throughout the ages. As the Catholic Church embarks on picking a new Pope, I can understand the legacy that will have to be fulfilled.

The great religion called the Catholic faith is in mourning for the loss of a great leader, but all of us are in mourning for the loss of a great leader. Anyone who loves freedom, anyone who believes that there is a right and wrong when it comes to certain issues, has lost a great guidepost. I believe his legacy will be in challenging the status quo for the common good, seeing pain and hearing the cries of the oppressed when other people only heard faint noises, and having the courage of his convictions. He said, Be not afraid, and that is a lesson for us all.

He has gone to his eternal home. He deserves all the accolades he has been given. The world is better for his time on Earth.

I yield the floor.

Ms. MIKULSKI. Mr. President, also part of the greatest generation is someone whom I rise to pay tribute to today and that is to Pope John Paul II. I was saddened at the passing of Pope John Paul II. The Holy Father was an inspiration to me as well as to millions around the world. His faith, his compassion, his eloquence, transcended religion or nationality. We so admired His Holiness because he stood for those who suffered, those who were oppressed, those who could not give voice through their own advocacy for human rights. He offered faith and hope and courage with his famous phrase "be not afraid," as he reached out to young people to give them a moral compass that they needed—that we all need to guide our lives.

Pope John Paul was the true people's Pope. Gosh, he traveled to over 100 countries. He didn't just speak from the pulpit; he reached out and touched people. He moved into the crowds, and he spoke the language of the people,

often literally because he spoke so many languages. The Pope was the father of the church, but he was also a son of Poland, my own cultural heritage. I remember when I heard the news about the new Polish Pope, the first non-Italian in over 400 years. I live down the street from the Polish parish, St. Stanislaw's in Fells Point. We felt such pride and joy. The bells rang, the tugboats tooted. We closed the streets and had a fantastic party. We were so excited.

In Baltimore we even knew him before he became Pope. He came to visit us as the cardinal from Krakow. He visited Holy Rosary Church, again one of the Catholic churches serving large numbers in the Polish community. I was so pleased to be there that day for this young, vigorous, athletic man who came from Poland to speak to us, wanting to know about our own country, speaking to us in English also about our own hopes and aspirations. But because he had grown up under Nazi fascism and lived under the boot of communism, he spoke to us about what it was like to live behind the Iron Curtain.

As you so well know, he came from the captive nations. I was so proud then to be part of the American delegation when he was Invested over 2 years later. And even then we could see the hint of things to come. There was a mass for hundreds of thousands of people in St. Peter's Square, where His Holiness gave his first blessing and spoke the Word to the people in many tongues. Before he came over to greet the diplomatic corps, he went over to a special section of children, and not just ordinary children but extraordinary children—the mentally retarded, those with birth defects, cerebral palsy. And the first touch of the Pope was to those children. I think it touched us all.

One of my best memories was taking my parents to meet the Pope at the White House when Jimmy Carter was President and Brzezinski was his National Security Adviser. I took my mother and father through the receiving line, and they had a chance to talk with him in both Polish and English. He turned and smiled with his wonderful humorous way and said: Don't forget to listen to your mother and father and to the Holy Father.

Twenty-five years later, I joined my colleagues in the Senate to present the Pope with our Congressional Medal, the highest honor we can bestow. The Pope doesn't usually accept awards, but he made an exception because we wanted to thank him for his stand for human rights and for peace and justice around the world. After the presentation and the blessing, he said to us: God bless you and God bless America.

The Pope visited this country seven different times, both as a bishop and as Pope. And during those times, he always spoke to us about the need for freedom. He knew what it was like to live under the occupation. During the dark days of communism, he led the

church's support of the Solidarity movement. In 1979, after he became Pope, he made his very first visit to his own native land. In 9 days, he was seen by 13 million people, from Warsaw to Krakow to Czestochova. He touched every part of Polish society, and he encouraged them once again to be not afraid. One year later an obscure electrician working in a shipyard, named Lech Walesa, jumped over that wall. And when he jumped over the wall of the Gdansk shipyard, he took the whole world with him. That was the beginning of the end of Communism.

The Pope forged a special relationship with President Ronald Reagan, and I believe helped bring about the end of the Cold War and pulled down that Iron Curtain.

Pope John did more than any other leader of the church to reach out to different faiths. He was the first Pope to visit a synagogue. He was the first Pope to visit a mosque. He reached out to Anglicans and to Eastern Orthodoxy. But he didn't just reach out to different faiths; he reached also to the human heart. He reached back to the darker side of history. He was the first to acknowledge the Holocaust and to say that antisemitism was a sin and to officially visit Israel. He wanted the improvement of relationships.

If we want to honor the Pope, we should do it not with words but with deeds: To be not afraid, to speak up for truth, to speak truth to power, speak about justice, speak about human rights, to speak about the marginalized and the oppressed. Today we grieve the death of the Pope. We express our gratitude for his remarkable life and his remarkable leadership and legacy of faith and freedom and the enduring promise of the Gospels calling us to feed the hungry, care for the sick, and turn our spears into plowshares.

Mr. HATCH. Mr. President, when Pope John Paul II died over the weekend, the Catholic Church lost its spiritual shepherd. The world lost a giant of a man. As successor of St. Peter, he began his papacy by reminding the world to "Be not afraid." The captive people of Eastern Europe and Latin America heard that message loud and clear. And as he prepared for his own death, he met his suffering with a fearlessness and hopefulness that was heard by us all.

For millions of American Catholics, including many Utahns, and many of my colleagues in this body, Pope John Paul II's passing represents the loss of a profound spiritual leader. My prayers are with all of you and with the Pope.

For non-Catholics like myself the Pope's death is a cause for mourning as well. His was an example of strength, commitment, and moral courage that we will all miss and that we will never forget. The Communist tyranny that the Pope ultimately triumphed over once mocked the power of the Catholic Church, asking how many divisions the Pope had. While it is true that the Pope possessed no military might, his

witness to hope, his faith that life would triumph over death, that the light would prevail over the darkness, was more powerful than any army.

As a result of his simple faith, this humble man from Krakow, Poland emerged from behind the Iron Curtain, became the first non-Italian Pope in nearly 500 years, and concluded his life as one of the towering figures of the Twentieth Century. I have no doubt that his example will guide us in the Twenty-first Century as well, and I understand why it is that so many Catholics are already referring to him as John Paul the Great.

My career as a public servant began shortly before John Paul II became Pope. I am fortunate to have spent time with him on two occasions over the years, and so it was no surprise to me to watch the world's and this country's admiration and love for him grow. I was struck by his joyful and his charitable spirit. Yet behind that peaceful demeanor was a determination to challenge the totalitarian assaults on human dignity that stained much of the last century.

As a young man he was witness to the Nazi terror in his native Poland, and later as Pope he went to Poland and encouraged the Solidarity movement. He understood that all persons are created in the image and likeness of God and that no matter how small, old or weak, no person is without significance. I have no doubt that his powerful witness to the dignity of all people contributed as much to the downfall of the horror of communism as anything we accomplished in Washington. A year after he assumed the papacy, John Paul II went to Poland and awakened a sleeping giant. Today, I hear that over a million thankful Poles are en route to Rome to pay their respects to their native son.

As the Pope grew older and he lost his youthful vigor, his own suffering served as a powerful reminder of the need to nurture a culture of life. Catholics and non-Catholics alike have heard this call. As President Bush put it the other day, it remains the duty of the strong to protect the weak.

It only took about twenty-four hours before some commentators came out to declare the Pope's legacy a mixed one. The Pope was too strident on certain issues, they say. He left certain groups unsatisfied. Perhaps. But I think that these criticisms really miss what this man was about. John Paul II reminded us of the meaning that our human lives can have. This truth is not something that you can focus group. The truth about the universe, about our duty to God and to our fellow man, is not something that you can triangulate.

Still, some fault the Pope for not being more like a politician. He was not accommodating enough. He should have compromised and found a middle ground. As elected officials, that is our charge. But as the spiritual head of the Catholic Church, the Pope's duty was greater than what we work to accom-

plish. He was a witness to truth. His message was not always one that people on either side of the aisle wanted to hear, but the call to the faithful is not often an easy one to swallow. The Pope reminded us of the splendor of truth. I think what is revealed in these criticisms of the Pope is the knee-jerk aversion by some to the very idea that there are eternal truths. The Pope should be commended, not criticized, for reminding us of them.

The talking heads have this exactly backward. They think that it was the Pope who was inconsistent because he was not easily labeled as politically liberal or conservative. It never occurs to them that it is we who are conflicted; that our divisions are something to be overcome. The Pope spoke to what Abraham Lincoln called the better angels of our nature. He was not someone seeking political advantage or gain. He sought peace and unity, and nowhere was this more clear than in his historic outreach to non-Catholic Christians, to the Jewish people, and to moderate Muslims.

Our commentators might not get this, but the world's people certainly do. As is clear from the different languages one hears in Rome as people wait to file past the Pope, this was a man who belonged to the world. And the Pope's trips to this country will never be forgotten. People in this country stood in the rain to attend papal masses in Boston and Miami, New Orleans and New York. Youth from around the world came to celebrate with him in Denver. Though this was a man with a universal message, I think that he had a certain American spirit as well. He was a kindred spirit. His faith in the future, and in the inherent dignity of man, made him at home with the American people, and it is appropriate that this nation, which was blessed with his visits on numerous occasions, will be flying its flags at half staff until his interment on Friday.

This weekend the Catholic Church lost its shepherd. For over a quarter of a century, Pope John Paul II watched over his flock. With his death this weekend, I am sure that there are some who feel lost, but they should not forget the Pope's reminder: "Be not afraid." When he reminded his native Poles of this, they changed the course of history. In his passing we should take heed as well. We will miss him, and we will mourn, but we have faith that he is now at peace and at one with his Lord.

Mrs. FEINSTEIN. Mr. President, on Saturday evening the world lost a voice for peace, justice, and human dignity.

Born in Poland in 1920, Pope John Paul II grew up in the aftermath of World War I. As a young man, he witnessed the injustice of the Nazi occupation of his country, lived amid the horrendous crimes of the Holocaust, and survived decades of repression behind the Iron Curtain.

Out of those experiences, he developed a hopeful view of the world that

defined his 26 years as the leader of the Roman Catholic Church, and he shared that vision with Catholics and non-Catholics worldwide.

As the first non-Italian Pope since 1523, Pope John Paul II was a truly groundbreaking figure. He redefined the papacy, coming out from behind the walls of the Vatican to travel to 129 countries and literally reach out to people wherever he went.

Through his travel—more than any other Pope—he helped rejuvenate and expand Catholicism to areas far beyond its roots.

During his 26 years as Pope, the Catholic Church grew from 750 million people to over 1 billion, with most of that growth coming from the third world.

For those in developing countries who struggled merely to survive, the Pope was a strong advocate for economic justice. And for those who lived under repression, he was a powerful voice for freedom.

His 1979 visit to his native Poland is viewed as the spark that ignited the labor movement which toppled communism in Poland and led to its demise throughout Eastern Europe a decade later.

It was his powerful yet simple belief in the value of human life that brought him to challenge violence wherever he saw it.

He chastised the brutal Communist governments of Eastern Europe. He criticized the military junta that governed Brazil in the early 1980s. He condemned nuclear war while meeting with survivors of the Hiroshima bombing. He called for an end to the violence in Northern Ireland. And he appealed for human rights in Cuba.

The Pope consistently urged leaders and citizens alike to seek peace and respect human life.

The Pope also sought to heal wounds. He apologized for the errors of Catholics over the last 2,000 years and for injustices against Jews, women, indigenous peoples, immigrants, and the poor. He acknowledged the failure of many Catholics to help Jews during the Holocaust. And more recently, he condemned the sexual abuse of children by priests in the United States.

The Pope reached out to members of other faiths at a time of growing sectarian violence and religious strife.

He was the first Pope to pray in a synagogue, the first to visit Auschwitz, and the first to make an official papal visit to the Holy Land—John Paul II made great strides in improving relations between Catholics and Jews.

And just as he acknowledged the mistakes made by his Church and its members, he also demonstrated a willingness to forgive those who had done harm to him.

In December 1983, he met with the man who had attempted to assassinate him 2½ half years earlier. During that meeting, the Pope forgave the man who had shot him three times.

The Pope regularly visited the United States and met with five Presidents. He believed that the U.S. had a

special responsibility to the world calling on our Nation to be “for the world, an example of a genuinely free, democratic, just and humane society.”

In recent years, even as his health deteriorated, he refused to give up. And in this, he served as a model to millions of people throughout the world about how faith and willpower can overcome adversity.

Indeed, I cannot remember a Pope who has been more warmly received and loved. I had the great honor to meet him at the Vatican in 1982 where I presented him with a cross sculpted from handguns melted down after being turned into police when they were banned in San Francisco. He received my gift warmly, giving me a rosary in return.

The world has lost a strong voice for peace, justice, and human dignity. Pope John Paul II will be dearly missed.

Mr. CONRAD. Mr. President, I watched with great sadness this weekend as the world lost a remarkable leader and faithful servant. Pope John Paul II, born Karol Wojtyla, was the leader of the world's largest church and shepherd to more than a billion Catholics throughout the world. In my home State of North Dakota, more than 130,000 Catholics are mourning the Pope's death this week and praying for the repose of his soul. I join these faithful and millions of others in grieving for the Holy Father who spread a message of peace and charity during his 26-year-long pontificate.

Reflecting on the Pope's legacy, I will forever admire his bravery, both in answering God's call and in challenging corrupt governments for the sake of humanity. In his first mass at St. Peter's Basilica in 1978, Pope John Paul II called on Catholics throughout the world to “be not afraid.”

The Pope spent his entire life living that call. Born on the eve of World War II, Pope John Paul knew the horrors of war; the Nazis forced him into labor when they invaded Poland in 1939. During this period, he found comfort in his Catholic faith and challenged the Nazis by attending illegal prayer meetings. These experiences hardened his conviction that war is “always a defeat for humanity.”

He again answered the call to “be not afraid” when he challenged the Soviet Union and the tyranny of communism in his homeland, Poland. Both as Archbishop of Krakow and then as Pope, John Paul II provided religious strength to those fighting these regimes. He is credited with helping to topple communism in Poland, and his steadfastness against oppression in all forms will forever be honored.

There may be no event more telling of his commitment to bravery and mercy than the attempt on his life in 1981. After being shot twice, nearly resulting in his death, the Pope recovered and continued his public works. Two years after the shooting, he visited his attacker in jail and offered his

forgiveness. Responding to this act of evil with compassion and grace, John Paul served as a witness to what humanity should strive to become.

The world has lost a great leader and the father of a religious family. John Paul II will be remembered as a teacher and defender of the faith he was called to serve. He will be honored as a diplomat and as a revolutionary in the fight against injustice and oppression. And he will provide us ongoing inspiration to respect human dignity and the worth of all humankind.

I am saddened by the loss of this just and holy man; however, I am joyful that he surely has passed to a more perfect place and is in communion with the God he served so faithfully. My thoughts and prayers are with the Catholic community and all those who mourn the death of Pope John Paul II.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (No. S. 600) to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, today, the Senate will be considering S. 600, the Foreign Affairs Authorization Act for Fiscal Years 2006 and 2007. The Foreign Relations Committee passed this bill on March 3 by a vote of 18-0. This is the third successive year that the Foreign Relations Committee has reported out a comprehensive Foreign Affairs Authorization bill by a unanimous vote. We are pleased to have this opportunity to bring it to the floor for the Senate's consideration. I want to especially thank the majority leader and the Democratic leader for their assistance and support in bringing this measure to the floor.

This legislation gives voice to Senate views on issues touching every continent—from the threat of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to an increased and focused effort to spur economic growth in the poorest countries. It authorizes the executive branch to take important actions on a wide range of issues. And, it authorizes appropriations for our diplomats, our foreign aid workers, and our Peace Corps volunteers, as well as the programs and policies that they manage on behalf of the United States.

These people are our civilian soldiers—they pursue a bold war on terrorism and a noble and far-sighted battle against disease, poverty, and humanitarian disasters. Most work in circumstances where the threat level is severe. American diplomats and aid workers frequently have been targets of terrorism while serving overseas. But they understand the importance of representing the United States, and they go anyway.

At this time in our history we are experiencing a confluence of foreign policy crises that is unparalleled in the post-Cold War era. Our Nation has lived through the September 11 tragedy, and we have responded with a worldwide war against terrorism. We have fought wars in Iraq and Afghanistan, where we are likely to be engaged in security and reconstruction efforts for years to come. We have been confronted by nuclear proliferation problems in North Korea and Iran that threaten U.S. national security and regional stability. We are continuing efforts to safeguard Russia's massive stockpiles of chemical, biological, and nuclear weapons and to prevent proliferation throughout the world. We have experienced strains in the Atlantic Alliance, even as we have expanded it. We are trying to respond to the AIDS pandemic in Africa, the natural disasters in the Indian Ocean region, and the man-made calamity in Sudan. We are trying to take advantage of openings in the Middle East peace process and spur the advance of democracy in many countries. Emerging powers, including China, India, and Brazil, may soon reconfigure the world economically and politically in ways that we do not yet comprehend.

There is a tendency in the media and sometimes in this body to see diplomatic activities as the rival of military solutions to problems. We have to get beyond this simplistic formulation. We have to understand that our military and our diplomats are both instruments of U.S. national power that depend on one another. They both help shape the international environment and influence the attitudes of governments and peoples. They both gather information and provide expertise that is vital to the war on terrorism. And they both must be unsurpassed in their capabilities, if the United States is going to survive and prosper.

Americans rightly demand that U.S. military capabilities be unrivaled in the world. Should not our diplomatic strength meet the same test? If a greater commitment of resources can prevent the bombing of one of our embassies, or the proliferation of a nuclear weapon, or the spiral into chaos of a vulnerable nation wracked by disease and hunger, the investment will have yielded dividends far beyond its cost.

In considering this legislation today, it is important to remember that since the end of the Cold War, the Foreign Affairs Account frequently has suffered

from inadequate funding. The American public generally understands that the United States reduced military spending in the 1990s following the fall of the Soviet Union. Few are aware, however, that this peace dividend spending reduction theme was applied even more unsparingly to our foreign affairs programs. In constant dollars, the foreign affairs budget was cut in six consecutive years from 1992 to 1998. This slide occurred even as the United States sustained the heavy added costs of establishing new missions in the fifteen emergent states of the former Soviet Union. In constant dollars, the cumulative effect was a 26 percent decrease in our foreign affairs programs. As a percentage of GDP, this six-year slide represented a 36 percent cut in foreign affairs programs.

By the beginning of the new millennium, these cuts had taken their toll. The General Accounting Office reported that staffing shortfalls, lack of adequate language skills, and security vulnerabilities plagued many of our diplomatic posts. In 2001 the share of the U.S. budget devoted to the international affairs account stood at a paltry 1.18 percent—barely above its post-World War II low and only about half of its share in the mid-1980s, during the Reagan administration.

Under President Bush, funding for the Foreign Affairs Account has increased substantially. The President has requested increases in each of the last four budgets. In this year's budget, the President has requested a 13 percent increase over last year's appropriated amount for the Foreign Affairs Account—the largest percentage increase of any major account in the budget. This is a tangible demonstration of the President's commitment to diplomatic strength. Congress must now do its part by providing the resources and authorities that the President needs to carry out an effective foreign policy.

The bill before us preserves the funding decisions in the President's request. Inevitably, members will have some differences with the specifics of the President's request. But we should recognize that this bill represents a generous attempt to raise the profile and effectiveness of U.S. diplomacy. Those of us who have advocated funding increases for the 150 Account should take "Yes" for an answer. Accordingly, I believe that if amendments are offered to increase funding for a particular program, they should include offsets.

The bill funds the Millennium Challenge Corporation at the President's requested level of \$3 billion. Some have argued that the President should have requested \$5 billion—the amount he originally had conceived for the corporation's third year of funding. Others have argued that \$3 billion is too much for a new venture that is just getting off the ground, and that some of this money should be shifted to other priorities. My own view is that \$3 billion is

a reasonable amount, given the scope of the program and its potential for spurring democratic reforms overseas. The credibility of the program, which foreign nations are observing closely, would be strengthened if the Senate endorsed the President's funding request. For these reasons, I will oppose amendments that seek to use MCC funds as an offset for other priorities.

This bill contains numerous policy initiatives, most notably the bipartisan Stabilization and Reconstruction Civilian Management Act, which was developed in the Foreign Relations Committee and included in last year's bill. The bill before the Senate also includes a 10 percent increase in danger pay for State Department employees who serve in dangerous posts overseas, funding for refugee assistance, and provisions designed to improve protections for women, children, and other vulnerable populations in the context of war or disaster.

Since the mid-1980s, Congress has not fulfilled its responsibility to pass an Omnibus Foreign Assistance Act. Several discrete measures, such as the Millennium Challenge Account, the global AIDS bill, the Freedom Support Act, and the Support for Eastern European Democracy Act, have been enacted. But in the absence of a comprehensive authorization, much of the responsibility for providing guidance for foreign assistance policy has fallen to the appropriations committees. Appropriators have kept our foreign assistance programs going, but in many cases, they have had to do so without proper authorization. In some years, the Congress did pass a State Department authorization bill, but that bill only authorizes about 35 percent of the Function 150 Account. To fund the remaining accounts, appropriators frequently had to waive the legal requirement to appropriate funds only following the passage of an authorization bill.

Passing a comprehensive Foreign Affairs authorization bill is good politics, as well as good policy. It is good politics because it underscores the leadership of this Senate at a time when our country is in peril. It is good politics because foreign assistance is an instrument of national power in the war on terrorism. It is good politics because it recognizes that our standard of living, the retirements of our parents, our children's educations, advancements in our health care, and the security of Americans can be undermined by what happens overseas. It recognizes that American prosperity is far more likely to be sustained if we are successful in spreading democracy, stability, and free market principles.

I thank the members of my committee for their hard work during the authorization process. Members on both sides of the aisle devoted many hours and much thought to constructive approaches to a number of very difficult foreign policy questions. Although this is a new bill developed during the last several months, it reflects

much work that has been done by the Committee during the previous Congress. Committee hearings during the last 2 years on post-conflict stabilization and reconstruction, U.S. policy in the Middle East, developments on the Korean peninsula, relations between India and Pakistan, public diplomacy, foreign assistance, and numerous other topics have been well attended. In fact, no Senate committee held as many hearings or met as often as the Foreign Relations Committee during the last Congress.

I especially thank the ranking member of the Foreign Relations Committee, Senator BIDEN, for his support of this process and his leadership in foreign policy matters. We have agreed on the vast majority of provisions in this bill, and when we have disagreed, we have worked hard to bridge our differences and find bipartisan solutions. We have always shared the common goal of bringing good legislation to the floor for the Senate's judgment.

It has long been my intent that the Senate Foreign Relations Committee approach foreign policy problems in a bipartisan spirit. This legislation reflects the committee's success in that regard. Republicans and Democrats have worked together closely to seek consensus, reason together, make compromises and craft excellent legislation. Our committee is united in the belief that passing a comprehensive Foreign Affairs authorization bill will enhance U.S. national security.

I am looking forward to the debate on this bill and the constructive contributions of Members at this important time in our Nation's history.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 266

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 266.

Mr. LUGAR. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the amendment to the limitation on the United States share of assessments for United Nations Peacekeeping operations)

On page 55, strike lines 3 through 11.

Mr. LUGAR. I rise to offer an amendment that strikes section 401, a section which establishes a permanent cap of

27.1 percent on the American share of cost of U.N. peacekeeping operations. The Helms-Biden legislation passed in 1999 anticipated the U.S. share of peacekeeping dues would decline to 25 percent in total. This remains an important goal of the U.S. policy toward the U.N.

This issue has raised strong feelings on both sides of the aisle. I appreciate the perspective of Senators who want to preserve a 27.1-percent cap as well as those who want the cap to be reduced to the 25 percent level in accordance with the Helms-Biden legislation. We would all like to see American financial responsibilities at the United Nations reduced.

We should acknowledge that existing U.S. law sets 25 percent as our target for peacekeeping contributions. I believe we should give the U.S. negotiators the most leverage possible to attain the U.S. goals. Passing a permanent 27.1-percent cap in this bill at this moment might reduce that leverage.

In coming weeks Congress will have further opportunities to work with President Bush to craft the most effective means possible of reducing the U.S. share of peacekeeping assessments. I believe this is an issue on which further consultation with the executive branch is certainly warranted. This is particularly true at a moment when the Secretary General has recently put forward a substantial United Nations reform plan, and the President's nominee to be U.S. Ambassador to the U.N. is pending before the Senate.

After discussions with the majority leader and other Members, I have come to the conclusion that we will facilitate further consultations on the peacekeeping cap with the administration and improve prospects for passage of the underlying legislation if we strike this provision. Consequently, I am hopeful Senators will join me in passing this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside in order that I may send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 267

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. DEWINE, proposes an amendment numbered 267.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the extension of non-discriminatory treatment (normal trade relations treatment) to the products of Ukraine)

On page 277, after line 8, add the following:

TITLE XXIX—TRADE TREATMENT OF UKRAINE

SEC. 2901. FINDINGS.

Congress finds that Ukraine has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction; and

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974.

SEC. 2902. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. MCCAIN. Mr. President, as we all know, the recent Orange Revolution in Ukraine marked a huge victory for the advancement of democracy in the world. The Ukrainian people made clear that they would not stand idle as a corrupt regime sought to deny them their democratic rights. Now that the people of Ukraine have seized control of their destiny, the United States must stand ready to assist them as they do the hard work of consolidating democracy.

The purpose of the amendment is to repeal the so-called and well-known Jackson-Vanik amendment, for it to be terminated with respect to Ukraine. At his appearance yesterday with President Viktor Yushchenko, President Bush pledged to seek the termination of Jackson-Vanik. In a White House statement yesterday, both Governments stated that they support "immediately ending the application of Jackson-Vanik to Ukraine." We should all agree. This 31-year-old legislation is, with respect to Ukraine, now anachronistic and inappropriate. I am pleased to offer this amendment along with Senator DEWINE. And I know there will be others.

Specifically, this amendment would authorize the President to terminate the application of Jackson-Vanik,

which is title IV of the Trade Act of 1974, to Ukraine. Ukraine would then be eligible to receive permanent normal trade relations tariff status in its trade with the United States. Several Members in the Senate and House have also introduced legislation to terminate Jackson-Vanik, and these bills in the Senate have been pending in the committee since the start of this session. I am hopeful that today the Senate will agree to adopt this amendment.

Beyond any benefits to our bilateral trading relationship, lifting Jackson-Vanik for Ukraine constitutes an important symbol of Ukraine's new democracy and its relationship with the United States. In February, along with three other Senators and six representatives, I went to Kiev, where we met with President Yushchenko, Prime Minister Tymoshenko, and students who led protests in Independence Square. I was struck by the great enthusiasm for democracy and freedom that has taken hold in Ukraine, and I know we all wish the new leaders all the best as they begin the challenge of governing. I pledged to them that we would work toward the lifting of Jackson-Vanik on Ukraine, and today I am happy to move toward that end.

Tomorrow, President Yushchenko will address a joint session of Congress, an honor which we bestow on few foreign leaders. As we have the privilege of welcoming this true hero of democracy, I can think of no better gesture than today terminating the anachronistic and inappropriate Jackson-Vanik restrictions on Ukraine.

I note the presence of my most respected colleague, Senator LUGAR, who has gained the respect and appreciation of all of us with his knowledge and expertise on issues of national security and foreign affairs and his chairmanship of the Foreign Relations Committee. I hope he would see his way clear to have a look at this amendment, and I would obviously seek his support.

Mr. President, we who follow events in that part of the world were thrilled at the Orange Revolution. We saw a flawed election that was repudiated by the people of Ukraine in a peaceful manner. It was one of the remarkable events in that part of the world.

I remind my colleagues that Ukraine is a very pivotal and important country in its own right, one with a tragic history of bloodshed and sacrifice but also, when its geostrategic location is considered, a very important part of the world. Dr. Henry Kissinger once was quoted as saying: Russia with Ukraine is a Western power, without Ukraine is an Eastern power.

I fully agree with our President's stated commitment yesterday for repeal of Jackson-Vanik as far as Ukraine is concerned.

Jackson-Vanik was a very incredibly important tool in asserting our support and advocacy for human rights in then-Iron-Curtain countries. I think it is

very clear that neither Senator Jackson nor Congressman Vanik envisioned this anachronistic provision to apply to a country that is now on the verge of a functioning democracy in a free and exuberant nation.

I am told by my staff that somehow the chairman of the Finance Committee, or probably more likely one of his zealous staffers, has said they would object to this provision because of the fact there are certain problems with intellectual property or other reasons. I would hope that assertion of jurisdiction, or reluctance to approve of this, particularly in light of this particular moment, would disappear in light of the priorities that this repeal of Jackson-Vanik would send as a sign of strong support and advocacy for democracy and process of an open and free society which is obviously taking place in Ukraine.

So if there is a problem that we have with Ukraine, I would think the President of the United States would have articulated those views in his meetings with President Yushchenko yesterday. And if the President had a problem, he certainly would not have come out after the meeting and advocated the repeal of Jackson-Vanik.

Not many Americans even know what Jackson-Vanik is. But a whole lot of people in these countries that this law still applies to are very aware of it. I think it would not only be appropriate to send a signal with the repeal of Jackson-Vanik as far as Ukraine is concerned, but I think it would be a slap in the face to the new Ukrainian Government and people because some committee of the Senate asserted its jurisdiction at a time when we should be providing as much encouragement as we can to the process of democracy and freedom, which has exhilarated all of us as we watched this marvelous transformation take place.

So I urge adoption of the amendment. I hope we can dispose of the amendment today. If the chairman of the Finance Committee or any of his staff would like to debate this issue, I would be more than happy to engage in that at their convenience and have a recorded vote, which I think would carry overwhelmingly in the Senate.

I again recognize the leadership and dedicated hard work on this legislation by our distinguished and respected chairman of the Foreign Relations Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Arizona for his very thoughtful comments about my work in the Foreign Relations Committee. I thank him for offering this amendment.

Let me point out, as the Senator from Arizona has already, a number of bills attempting to achieve repeal of Jackson-Vanik have been introduced in both Houses. But they have not come to conclusion, and apparently today that will happen.

I am one of the authors of one of those bills, S. 632, which authorizes the extension of permanent normal trade relations treatment with Ukraine. As the Senator from Arizona has pointed out, unfortunately Ukraine is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. My bill, and I believe Senator McCain's bill, would repeal permanently the application of Jackson-Vanik to Ukraine. As has been mentioned by the distinguished Senator, that bill has been referred to the Finance Committee, which still has it under consideration.

But I would offer this argument. In the post-Cold-War era, Ukraine has demonstrated a commitment to meeting the requirements for the lifting of Jackson-Vanik and, in addition, has expressed a strong desire to abide by free market principles and good governance.

Last November 21, I served as President Bush's personal representative to the runoff election between Prime Minister Yanukovich and Viktor Yushchenko. During that visit, I promoted free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate. Unfortunately, that was not possible at that time. The Government of Ukraine allowed, or aided and abetted, wholesale fraud and abuse that changed the results of that November 21 election. It is clear that Prime Minister Yanukovich did not win that election.

In response, however, the people of Ukraine rallied in the streets and squares and demanded justice. After tremendous international pressure and mediation, Ukraine repeated the runoff election. It was held on December 26. A newly named Central Election Commission and a new set of election laws led to a much improved process. International monitors concluded the process was generally free and fair. Viktor Yushchenko was inaugurated as President of Ukraine, and tomorrow he will address a joint session of our Congress.

Extraordinary events have occurred in Ukraine over the last several months since the December 26 election. A free press has revolted against Government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of its Government. It is in our interest to recognize and to protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction Act.

Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar Program, the United States has assisted Ukraine in elimi-

nating this deadly arsenal and joining the nonproliferation treaty as a non-nuclear state.

One of the areas where we can deepen United States-Ukraine relations is bilateral trade. Trade relations between the United States and Ukraine are currently governed by a bilateral trade agreement signed in 1992. There are other economic agreements in place seeking to further facilitate economic cooperation between the United States and Ukraine, including a bilateral investment treaty which was signed in 1996 and a taxation treaty signed in the year 2000. In addition, Ukraine commenced negotiations to become a member of the World Trade Organization in 1993, further demonstrating its commitment to adhere to the free market principles of fair trade.

In light of its adherence to freedom of immigration requirements, democratic principles, compliance with threat reduction, and several agreements on economic cooperation, the products of Ukraine should not be subject to the sanctions of Jackson-Vanik.

There are areas in which Ukraine needs to continue to improve. These include market access, protection of intellectual property, and reduction of tariffs. The United States must remain committed to assisting Ukraine in pursuing market economic reforms. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic partnership can be made.

My colleagues on the Finance Committee have committed to joining me in supporting this important legislation. It is essential that the Finance Committee and the full Senate act promptly to bolster this burgeoning democracy to promote stability in this region. I am most hopeful that in the course of the day, we will take favorable action on this amendment.

For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I rise for the point of giving information to all Senators about the legislation we have in front of us. As the Chair has observed, several minutes have passed without activity. We have through staff attempted to notify all Senators who might be anticipating offering amendments or action on this bill. This will be an excellent opportunity to do so prior to the time the two party luncheons are held and a recess for that reason is called. We know that following lunch, there will be two important amendments offered, and we welcome those. I would like to proceed to

our debate and votes, with disposition of amendments that are now pending.

I simply mention, Mr. President, that I recognize, as does the Chair, many Senators are under some urgent requirements in terms of scheduling in this particular week, as we mourn the death of Pope John Paul II. Some Senators are contemplating potential travel to the funeral of the Pope. Others have other requirements. So it would be my intent, as we conclude these amendments that are available, to move for final passage of the bill, to conclude activity on this bill today and as early today as possible.

My understanding is a potential debate on the Social Security issue will ensue at some point this evening after we have concluded activities on the authorization bill. So we might make that more readily available and that time more certain. I mention this because for Senators who do have amendments, even if they are not completely formulated, I request they bring those to the floor so that staff on both sides of the aisle can work through those amendments to find an acceptable form. It would be at least our general view of a liberal policy of adopting amendments that enhance the authorization process and do no violence at least to the foreign policy objectives of the United States.

With that in mind, hopefully those listening to the debate will hear our plea, proceed with amendments, and help us with the activities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Having spoken to the chairman of the committee, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 268, 269, 270, 271, 272, 273, 274, 275, 276, AND 277, EN BLOC

Mr. LUGAR. Mr. President, I send to the desk a group of amendments to S. 600 that have the approval of the managers of the bill. The package has bipartisan support. I intend to ask they

be agreed to by unanimous consent as soon as the ranking member has joined me in the Senate.

I have received word that the presence of the ranking member will not be required. Staff on both sides of the aisle have cleared these amendments; therefore, I ask they be agreed to en bloc by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

(Purpose: To permit grants to be used for broadcasting outside the Middle East region)

On page 59, strike lines 16 through 25 and insert the following:

"(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to Middle East Broadcasting Networks for the purpose of carrying out radio and television broadcasting.

"(b) FUNCTION.—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

(Purpose: To limit the compensation paid to employees of the Middle East Broadcasting Networks)

On page 60, between lines 20 and 21, insert the following:

"(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate authorized for Level II of the Executive Schedule provided in section 5313 of title 5, United States Code, and such compensation shall be subject to the provisions of section 5307 of such title.

(Purpose: To require payments from the Broadcasting Board of Governors for costs resulting from the creditable service of employees of the Middle East Broadcasting Networks)

On page 64, strike lines 3 through 6, and insert the following:

(4) CREDITABLE SERVICE.—

(A) IN GENERAL.—Section 8332(b)(11) of title 5, United States Code, is amended by inserting "the Middle East Broadcasting Networks;" after "the Asia Foundation;"

(B) OTHER REQUIREMENTS.—With regard to creditable service with the Middle East Broadcasting Networks, the Broadcasting Board of Governors shall—

(i) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

(Purpose: To extend the United States Advisory Commission on Public Diplomacy until 2008)

On page 110, between lines 4 and 5, insert the following new section:

SEC. 812. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2005" and inserting "October 1, 2008".

(Purpose: To clarify Foreign Service Grievance Board procedures in the case of an alleged overpayment of an annuity)

On page 47, line 13, strike "and";

On page 47, line 15, strike the period at the end and insert as semicolon and "and".

On page 47, between lines 15 and 16, insert the following:

(3) by striking "or allowances" and inserting "allowances, or annuities".

(Purpose: To limit the availability of funds authorized for contributions for international peacekeeping activities)

On page 12, strike lines 11 through 13, and insert the following:

(2) AVAILABILITY OF FUNDS.—

(A) FISCAL YEAR 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) FISCAL YEAR 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

(Purpose: To provide a short title)

On page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007".

(Purpose: To require a determination to provide assistance for destruction of small arms and related ammunition)

Beginning on page 150, strike line 18 and all that follows through page 151, line 4, and insert the following:

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended by adding at the end "Such assistance may also include assistance for demining activities, clearance of unexploded ordnance, destruction of small arms and related ammunition when determined to be in the national security interest of the United States, and related activities, notwithstanding any other provision of law."

(Purpose: To require a determination to provide assistance for the safeguarding, removal, or elimination of conventional weapons and related ammunition)

On page 272, line 15, strike "weapons," and insert "weapons and related ammunition when determined to be in the national security interest of the United States,".

(Purpose: To waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member)

On page 74, between lines 2 and 3, insert the following new section:

SEC. 603. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (22 U.S.C. 214) is amended in the third sentence by striking "or from a widow, widower, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member" and inserting "or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member".

Mr. LUGAR. I simply point out these are amendments that followed the consideration of the bill in the Committee on Foreign Relations and were suggested by the administration. They have been carefully considered over the course of several days, and there has been unanimous consent on the list that was agreed to.

I encourage Senators who have amendments, once again, to come to

the Senate to make their presence known so we can work with them. It would be our hope we could accept most of those amendments or work on modifications so they can be part of the legislation, as has been the case with the package we just agreed to.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. SHELBY. Mr. President, I rise today with a heavy heart to pay tribute to the passing of my good friend, our former colleague, Senator Howell Heflin.

Judge Heflin, as we often called him, was a stalwart in the Senate, devoted to improving my State of Alabama and the Nation with each decision he made and I believe every vote he cast.

When I first entered the Senate in 1987, Judge Heflin was the senior Senator from my State of Alabama. I considered him a good friend and colleague over the 18 years he served here. I always appreciated his humor and his solid values. I believe he will be remembered as one of Alabama's most respected politicians.

Judge Heflin was a strong voice for Alabama in the Senate. He served as chairman of the Senate Ethics Committee and as a member of the Senate Judiciary Committee. He worked to ensure that Alabama was indeed well represented in this body.

He was deeply devoted to his job, and, as we know, often spent dinners out that were meant to be time off as an opportunity to help his constituents who happened to be at the same restaurant.

Howell Heflin was born June 19, 1921, in Poulan, GA, to Reverend Marvin Rutledge Heflin and Louise Strudwick Heflin. He graduated from Colbert County High School in Leighton, AL, and Birmingham Southern College in Birmingham, AL.

Following his graduation from Birmingham Southern College in 1942, Judge Heflin enlisted in the U.S. Marine Corps. His military service during World War II took him to the Pacific

Theater, where he was wounded twice and awarded the Silver Star for bravery. He was also awarded two Purple Hearts.

Upon his return from World War II, he attended the University of Alabama School of Law and was admitted to the Alabama State Bar in 1948. From 1948 to 1971, Judge Heflin was an attorney in Tuscumbia, AL.

He was elected as the chief justice of the Alabama Supreme Court in 1970. He was well known for his efforts to modernize Alabama's legal system. It was because of his profound work as chief justice that he became affectionately known as "The Judge" even after he became a Senator. He was elected first to the Senate in 1978, and was reelected to two more terms, for a total of 18 years of service—three terms—in the Senate.

In 1997, he left public life and returned home to Tuscumbia, AL, to enjoy time with his family.

Howell Thomas Heflin led a full life. Each chapter of his life—as a war hero, a jurist, and a public servant—was completed with great fervor and devotion. He did nothing halfway, and everyone who knew him recognized and appreciated that.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, wish to speak in morning business. What a passing of a great generation. I, too, want to pay my respects to Senator Heflin, an outstanding Senator, a wonderful Senator from Alabama. When I came to the Senate in 1987, he was one of the men of the Senate who welcomed me with graciousness. He introduced me to hand-pulled barbecue from Alabama. He also introduced me to the Marshall Space Program. I had the opportunity to work with him in terms of creating jobs in Alabama and also creating opportunity through the Space Program.

He embodied the qualities of hard work, honesty, humility, and humor, and he left this earth with a great legacy. Senator Heflin died on March 29, 2005, last week. He is survived by his wife Elizabeth Heflin; a son, Howard Thomas Heflin, Jr.; a daughter-in-law, Corneila Hood Heflin; grandson Wilson Charmichael Heflin; and a granddaughter, Mary Catherine Heflin.

Senator Heflin was devoted to his family, his State, and his country. As a World War II hero, he put his love of country above all else. He made remarkable contributions to Alabama and the Nation as a whole. His warm-hearted personality will be remembered by all who knew him well. We will all miss him. We will certainly miss him in the Senate.

I yield the floor.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, very shortly there will be a unanimous consent request on how to proceed on the Boxer amendment, which has not been introduced yet but will be spoken to shortly. I would like, with the permission of my friend from California, to make a brief opening statement relative to the overall bill.

Mrs. BOXER. Would the Senator also then make the unanimous consent request for the 40/20 so I know that is in line?

Mr. BIDEN. Mr. President, I say to my friend, we are just clearing it with the leadership. We are working that out. I am sure we will be able to move the amendment immediately after my statement which I don't think will take more than a few minutes.

Mr. President, under the leadership of Chairman LUGAR, we tried very hard to move this bill in the last couple of years. I hope the third time is a charm. As I believe the chairman has explained, the bill contains the basic authorization for all the major foreign affairs agencies and programs at the Department of State, foreign assistance programs, the Broadcasting Board of Governors, and the Peace Corps.

The bill contains several initiatives I would like to briefly highlight.

I am glad the bill includes the Global Pathogen Surveillance Act, which we have been trying to enact over 3 years. In recent years, the SARS epidemic and the avian flu epidemic have made us acutely aware of how vulnerable the world is to a rapid spread of infectious diseases. We face that same vulnerability for diseases that might be used as weapons of bioterrorism.

The Global Pathogen Surveillance Act will combat the bioterrorism threat by improving other countries' capabilities to detect and limit disease outbreaks and by improving international investigation of disease outbreaks. Because these diseases—whether they are natural occurrences or man-made—have no respect for borders, we are only as safe as the weakest link in the chain is strong. This bill will go a long way to help other countries at an early stage detect the existence of these diseases, these potential biodiseases that can be spread via what we call bioterrorism.

The majority leader, who cosponsored the original version of the act in 2001, is once again pressing for action on this bill. He added a very useful provision to the act, which Chairman LUGAR and I have happily endorsed, calling for the executive branch to develop a real-time data collection and analysis capability to serve as a warning sign for a possible bioterrorism event. With the majority leader's support, I hope and believe this year we will finally enact this important measure.

I am also proud of the work the committee has done, with the chairman's leadership, to help the U.S. Government strengthen its capacity to handle postconflict reconstruction.

In the last decade, the United States has taken on stabilization missions in countries such as Bosnia, East Timor, Haiti, Somalia, Afghanistan, and Iraq. In the decade to come, whether we like it or not, nation-building and postconflict resolution and reconstruction will remain important to our security. As the Presiding Officer knows because of all the work he has done in the Balkans, this is not something that gets done in a day and we are able to leave behind in a year. We should not attempt to reinvent the wheel every time we are faced with a stabilization crisis, such as the one we faced in the last decade. It is inefficient and ineffective. Rather than address crises by cobbling together plans and personnel each time they occur as we have been doing, we need to be better prepared.

This bill establishes a special office in the State Department for reconstruction and stabilization. It establishes a special corps of civilian reconstruction experts who would be ready to be deployed on short notice. The bill also creates a special emergency fund to deal with such crises.

Finally, I am pleased the chairman and I are able to agree on the inclusion of a provision to protect vulnerable persons during humanitarian emergencies—an undated version of a bill I first introduced in 2003 called the Women and Children in Conflict Protection Act.

I have been concerned about the vulnerability of women and children affected by conflict and humanitarian emergencies for some time now. Since the accusations were made about sexual exploitation of refugees by humanitarian workers in west Africa nearly 3 years ago, that concern has been heightened.

Most recently, we have been confronted with cases of rape used as a weapon of war in Darfur, sexual exploitation and abuse by U.N. peacekeepers in the Democratic Republic of Congo, and concerns that the children affected by the tsunami in Asia could be vulnerable to human trafficking.

This provision in the bill establishes a coordinator at the Department of State or AID specifically charged with ensuring that our assistance programs not only provide food and shelter, but also support programs to prevent sexual exploitation and abuse of those living in refugee and internally displaced persons camps. It prohibits U.S. funding of humanitarian organizations that do not sign a code of conduct prohibiting improper relations between aid workers and beneficiaries. Finally, the provision authorizes the President to provide aid specifically for things such as security for refugee camps or something as simple and inexpensive as buying firewood so women will not have to leave these camps, which they have to do now, in order to find material with which they can make a fire to cook and find themselves subject to rape and exploitation outside the confines of these camps.

We have a very good bill that was passed out of our committee 18 to 0. I urge my colleagues, as Senator BOXER is about to do, to come forward with their amendments because I, like the chairman, would very much like to move this bill forward. It is within the budget. It is right on the button of the President's budget number. It has, as I said, unanimous support out of our committee. I believe it is a solid bill, and I hope we can move it forward this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in a short while, we hope to have a unanimous consent agreement so that Members will have a roadmap for the remainder of the afternoon. That is not at hand for the moment; therefore, I hope the Chair might recognize the distinguished Senator from California, who will offer an amendment. Informally, we have talked in terms of an hour of debate being the limit, 40 minutes for the Senator from California, 20 minutes for me or others I may designate. We will encapsulate, hopefully, a unanimous consent agreement in due course during the course of this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to ask my chairman, for whom I have great respect and admiration, am I then to send the amendment to the desk at this time?

Mr. LUGAR. Mr. President, I prefer the Senator send it to the desk and our debate commence.

AMENDMENT NO. 278

Mrs. BOXER. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 278.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961)

On page 172, after line 23, insert the following:

SEC. 2227. GLOBAL DEMOCRACY PROMOTION.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical

services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. BOXER. Mr. President, today I am offering an amendment to overturn the so-called Mexico City policy which undermines some of our country's most important values and goals. The Mexico City policy is also known as the global gag rule, and I will explain what it does in a moment.

Most of my colleagues know the history of this policy. It was named the Mexico City policy because that is where it was announced in 1984. But it is also known, as I said, as the global gag rule because that is exactly what it does—it gags international organizations that receive USAID family planning funds.

What does that mean? It means, for example, that a family planning clinic in Nepal that receives USAID funding is prohibited from using its own funds—the clinic's own funds—to provide, advocate for, or even talk about abortion to the women they serve, even talk to a woman about her options.

Let's be clear what we are talking about one more time. We are not talking about spending one slim dime or one penny of U.S. money to pay for abortions abroad because that has been illegal under the Helms Act since 1973. So since 1973, U.S. funds abroad cannot be used in any way to advocate for abortion, to allow women to have an abortion, or to refer her for an abortion. U.S. funds since 1973 can never be used for any of those purposes.

We can debate that, but I am not going to debate that. What I am going to debate is why the greatest, freest country in the world, the United States of America, would put a global gag rule, put a tape over the mouths of organizations that are trying to help the women in their country if they use their own funds—not U.S. funds but their own funds—for those purposes.

I cannot understand for the life of me how we can in good faith, as the leading democracy in the world, sending our troops abroad—and they are dying every day for freedom of speech and for the kind of constitution we hope others will have—how we could put a global gag rule on those organizations when in this country we could not even consider it for 2 seconds because it would be completely unconstitutional.

This is a free country. We are proud of the fact that it is free. We are proud of the fact that we do not tell our citizens what they can think, what they can say, if it is on their own dime. Yet abroad, in some of the poorest countries in the world, we are saying if they

want to get a penny of Federal funds, USAID or the like, they cannot use their own funds in any way they would like. We are telling family planning clinics that are in the toughest of circumstances, treating women in the direst poverty, that they are gagged if they want to receive any U.S. funds.

Again, these restrictions we are placing on these nonprofit agencies would be unconstitutional and unacceptable in the United States of America.

Ironically, what is very interesting is the global gag rule is even stricter than the requirements put on by the Helms amendment. So this is an unbelievable move by this administration, after these restrictions were removed in 1993, to place these restrictions back.

It is true that the White House, depending on who is in the White House, has shifted back and forth on the advisability of the global gag rule, but the Senate has always said it has no place as part of American law. The Senate has stood proud, Democrats and enough Republicans, yes, to make sure that we do not have a double standard, that we do not say with the one hand to these countries we want democracy for them, we want freedom for them, we want freedom of speech for them, and then on the other hand say, but if they exercise it they are going to be punished.

Tell me how that makes sense for America. Tell me how that makes any sense for our credibility in the world.

The last time we debated this global gag rule and the Mexico City policy in this Chamber was about 2 years ago. I introduced this exact amendment, and it passed with bipartisan support. We hope we will achieve that same outcome today. It will be a close vote—we have had some changes in this body—but we still think and hope we have the votes. We will find that out.

What is at stake is do we want to have an America that lives what it says, that not only says to the world freedom is good and freedom of expression is good, and if groups work hard and raise their own funds, as long as they spend them consistent with their own laws in their own countries, we will say it is their right. But, oh, no, that is not what this administration has done. One of the first things the President did when he got elected the first time was to put back in place this global gag rule.

This global gag rule is not fair. We are a country that believes in fundamental fairness. Yet this global gag rule tells foreign nongovernmental organizations—these are people working in the toughest of circumstances—how they should spend their own money.

For example, it tells clinics they cannot use their own money to help a woman in deep despair who comes in with a serious problem, an unintended pregnancy that perhaps was even forced on her. It tells the NGOs, the nongovernmental organizations, they cannot use their own funds even to advocate for less restrictive laws.

For example, let's say there is a law on the books in one of these poor countries that says if a person is raped or a victim of incest they cannot have an abortion, and in this country we changed that. If one is a victim of rape or incest we say Federal funds can be used to help her. Let us say there is a country that has a total restriction, even if someone is raped or there is incest involved, and the nongovernmental entity is trying to change that law in their country. Under the global gag rule we say they will lose all of their Federal American dollars if they advocate to change what I would call ignorant laws.

This global gag rule tells clinics that they cannot use their own funds to even tell a woman who comes before them what her options could be. Even if the woman asks what she can do, they cannot tell her. In our country, that would be illegal, unconstitutional. But, no, we put this on the poorest nations of the world. That is not Uncle Sam, that is Imperial Sam, and none of us wants to be imperial. At least that is my impression. We want to be democratic. But we are not acting in a democratic fashion when we have this double standard around the world.

We believe in freedom of speech and yet the global gag rule tells foreign nongovernmental organizations they cannot in any way express an opinion on this subject without losing their funds. We do not tell organizations of the United States of America what they can say and what they cannot say in this country, even if we find it offensive. There are a lot of organizations that I find we would be better off without. I do not think their advocacy is right, but I have no right as a Senator to tell any organization in America I am tired of hearing what they are saying, do not say it anymore, because if I tried to stop them I would be ruled out of order, unconstitutional, and that would be the right thing.

Yet we do it to foreign nongovernmental organizations.

Some Senators just came back from Iraq. I was one of those people. We saw the unimaginable challenges facing our soldiers, government officials, and the Iraqis themselves as they struggle to deal with a very dangerous insurgency in that country. Our soldiers are putting their lives on the line so that the Iraqis have a chance to live in freedom. One of the foremost freedoms in our country that we wish for other people is freedom of speech. Government will not interfere with a person no matter what they say. As long as they are not hurting anybody or inciting anybody, they can hold an opinion. That is why our soldiers are over there fighting so that the Iraqi people can write a constitution that gives them the same freedoms we have.

We heard the Iraqis tell us, the up and coming leaders: We read your constitution, we read your history, we know about your filibuster, and how it protects minority rights. These are the

Iraqis. We heard our soldiers say they are willing to risk their lives so the Iraqis can have freedom. Well, that includes freedom of speech. Yet we take away the freedom of nongovernmental organizations to tell the truth to the women who may come before them seeking help with their reproductive freedom.

Our policy should be a model for the world, but the gag rule instead sends a bad signal. It enforces a dangerous code of silence. It tells people if the government in power does not agree with them, then they should put a gag over their mouth and just suck it up and not tell the truth about how they feel and keep vital information from the women they are serving. Whether one is pro-choice or anti-choice, this has nothing to do with it. It is a question of freedom of speech. I hope that regardless of how we come down on the issue of choice, we would agree that it is fair to debate it. I may not like to hear your opinion if I do not agree with you, it may be hard for me to handle, but that is part of this great country. We have to listen to each other. We have to debate and we have to respect each other's views. But I am not showing respect if I walk up to a Senator on the floor and say, you know what, I am tired of hearing your point of view and I am going to put a gag over your mouth. How ridiculous. If they did that to me? How ridiculous. It is freedom of speech we are talking about, and the global gag rule takes a hammer to our Constitution, to our credibility, and I think just knocks us down in the eyes of the world. And it makes hypocritical what we are asking our soldiers to do across this globe.

I want to give some examples. In Peru, for example, family planning NGOs funded by the U.S. were barred from advocating against a constitutional clause banning abortion. It was not the Peruvian Government gagging their own people, it was our Government. And it was not all Peruvian NGOs who were barred from participating in that debate, it was only those who opposed the abortion ban. The other people were free to talk about it.

What is that about? America comes in and says if you want our money you can only advocate for the position that the Government in power wants. You cannot have another opinion. I think that is beyond outrageous.

Just listen to what one nongovernmental organization leader in Peru said, and I am quoting this individual:

We used to hold debates, invite medical doctors, produce research publications. We cannot speak as freely now. No one knows at what point it becomes prohibited speech. USAID told us we couldn't lobby for abortion liberalization or decriminalization. If we attend a general conference and the issue of abortion comes up, we can speak. But we don't know how much we can talk about it before it crosses over to not being permitted anymore. We, for example, can do research on unsafe abortions, but if we draw any conclusions someone can say, "that's lobbying," [and we will lose all of our money.]

This is a terrible thing, this global gag rule. I am so proud of the Senate. Every time we have brought it up we overturned it. I hope that will be the case today.

I want to tell you a story about a real case in Nepal. In 2001, this issue came to my attention. There was a nongovernmental organization that had to make a Hobson's choice: Do we take USAID money which we desperately need to help our people if it will force us to remain silent on the issue of reproductive freedom? What should we do? Should we give up the money and retain our freedom?

Let me tell you what this organization did. It gave back the USAID money, even though it put them in a very precarious financial position. They did it because of a 13-year-old girl named Min Min. I brought her picture with me to the Senate floor 2 years ago because I wanted my colleagues to see the face of what we are talking about here today. This is not just about freedom of speech. This is about real, live people and what happens to them if they cannot get reproductive health care.

Min Min was raped by a relative. She was raped by an uncle. She became pregnant, and it was a shame upon the family and the family said you must have an illegal abortion. As a result of that illegal abortion of a girl 13 years old who was raped by her uncle, someone was sentenced to 20 years in prison. Who was it? Was it the rapist? No. Was it the parents who said you have to end the pregnancy? No. It was this tiny girl, 13 years old, who was sent to jail for 20 years for the crime of being raped by a relative and being forced by her family to have an abortion.

The nongovernmental organization wanted to go to bat for this child, so they turned back American money. Can you believe it? We punished an organization that wanted to go to bat for a 13-year-old rape victim—incest victim, really. We took the side of the rapist. That is what we did. We said to the NGO: If you want to help this child, give back the money because you cannot advocate for changing the law in your land.

So this clinic in Nepal turned back their money—our money—and fought for Min Min. She had her 14th birthday in prison. She had her 15th birthday in prison. But then, because they did not take American money and they were free to lobby in behalf of Min Min, they succeeded in changing the laws of Nepal, and they helped set that little girl free.

For their valor and their courage and their success in freeing a child from prison who was put there after she was raped by her uncle, this is what they had to do. They had to give up \$100,000 in USAID funding, and they had to let 60 staff members go. They couldn't help more than 50,000 other people who desperately needed them.

These are the real stories behind this Presidential edict of the President,

when he steps up to the plate and says I am putting in place a gag rule.

I am ashamed. I am ashamed that we were on the side of the rapist and against the side of a little girl who was a victim of incest. How can this Senate look at that story and say, yes, that's right, we want to be on the side of the rapist? Why should the rapist suffer? We don't want to change the laws in Nepal. To me, this example alone is enough reason to do away with this global gag rule.

Here is another point. We should always look at our policies and ask the question: Are our policies decreasing the number of abortions that take place worldwide because all of us want to decrease the number of abortions taking place worldwide. Frankly, the Mexico City global gag rule makes it far tougher to reduce the number of abortions. We support family planning counseling and care. We support family planning, I thought, because we want to prevent abortions. Between 1988 and 2001, modern contraceptive use in Russia increased by 74 percent, and the abortion rate went down 60 percent. So there is a direct correlation between contraception and education on how to use contraception and the abortion rate. I say this, even though I believe this should be a known fact, but sometimes we seem to forget it. So what happens when we punish a nongovernmental organization that is involved with family planning, such as that clinic in Nepal I talked to you about, that had to give back \$100,000 and lay off 60 people? They could no longer serve the women who so desperately needed their help.

Is this President saying he wants to keep contraception away from women who are asking for it? Because if that is what he wants to do, this global gag rule is doing just that. This is a radical thing we are dealing with because when you tell agencies they have to make a deal with the devil, take money and then be gagged, many of them will say: I don't want your money. I would rather be able to advocate.

And if they do not take the money, then they are in a terrible circumstance because they have to lay off people who would otherwise go out and counsel young women about family planning. Then, when those young women, in the poorest of the poor nations, are desperate, unfortunately they may seek what we called here, when abortion was illegal, back-ally abortions—and women died. Many women have died, thousands every year across this globe, because of illegal, unsafe abortions.

I believe very much that family planning is the answer. It can bring us all together, whether we believe in a woman's right to choose or we believe the Government should be involved in it, we should not tell a woman, tell a family how to live their lives regardless of what side you are on. My goodness. Family planning ought to bring us together.

For those of us who believe abortion should be safe, legal, and rare, the way to get to that place is to have adequate family planning. For those of us who believe the Government should prohibit the jailing of women and doctors who have or give abortions, they should want to have family planning services so we have fewer abortions.

Why don't we hold hands on this vote as we have in the past and walk down the aisle together across those divides and say family planning is the way to make abortion rare? That is the key. But the global gag rule has the opposite impact. The global gag rule is causing more abortions because the nongovernmental organizations will not take the funding, they won't be gagged, and they won't have the staff to go out and give those women the advice and the contraceptions that they are asking for.

There is another issue that comes into play here, and that is the issue of HIV/AIDS. Preventing AIDS is very important. The use of modern family planning methods will help us prevent AIDS.

This global gag rule is dangerous. It is dangerous directly, and it is dangerous indirectly. It goes against our Constitution and freedom of speech. If this President tried to put this kind of gag rule on in America, he would be laughed out of the courts. Of course, they do not do that because we have something called the Constitution and freedom of speech. We don't go around putting a gag on doctors who have their own practices. We let them do what they think is right—to do no harm and to help people.

I want to talk about a school in Uganda where three of its students died from unsafe abortions. The same man impregnated the three girls. It was a horrible tragedy. But the local clinic still didn't know what to do since it received USAID funding. They had a situation where three girls were impregnated by the same man, and they didn't want to give back the money they had gotten from the United States of America. This is what they said.

What should the school do? Refer the girls to the clinic? It is a very difficult situation for the nurses. What can they counsel about? It is a problem if the provider is a member of that community. A person cannot even speak as a community member or a parent. Because how can you differentiate between an individual and the fact that they are an employee of a nongovernmental organization?

The point here is that if someone in the clinic in the area where one man impregnated three girls in the school feels that he or she can't speak out in their capacity as an individual citizen because they work for a nongovernmental organization that could be forced to give up its funding—this is a very bad policy. We are saying to clinics throughout the world that are supposedly trying to help that you must choose between limiting your services

to a woman who comes to you in desperate need or shut down your doors because you have to give back the funding from the United States of America. It is really a stunning and unfair policy.

One of the Planned Parenthood chapters in my State is in Ethiopia right now. They are seeing firsthand the impact of the global gag rule on women's lives. Think about what it means to try to get health care in Ethiopia. If you are lucky, you might have only a 3-day or 4-day walk to a clinic—a 3-day or 4-day walk to a clinic in Ethiopia.

Less than 8 percent of the population has access to contraception. Only 20 percent get prenatal care. One in seven women die from pregnancies or unsafe abortions. In fact, backyard abortions are the second leading cause of death among women only, behind tuberculosis.

Because of the global gag rule that this administration has put in place, supplies to the largest planning provider in Ethiopia have been cut. They have been cut because they refuse to be gagged. The people in Ethiopia are looking to America with our Constitution and our freedom and our freedom of speech, and they are saying: We are not going to allow the President of the United States of America and this Congress to gag us. We will have to give back the money.

That is the most counterproductive thing we can do. Why? Because they are running out of the contraceptives because they don't have the money. They are less able to serve rural areas, only 7 percent of which have access to basic sanitation. They are less able to curb the rising tide of HIV which is sweeping over the population, leaving shattered lives and families in its wake.

Why would we want to be responsible for that? We don't have to be today. We are going to have a chance to do what the Senate has done year after year after year. We have stood up for women's health. We have stood up for freedom of speech. We have stood up for the right of people—even the poorest of the poor—to get access to health care, to find out what their options are, to know what the possibilities are, to fight for changes in the law.

The Senate has stood on the right side of this issue—on the correct side of this issue—for years. I am so proud of the Senate. We did it with almost all Democrats and many Republicans standing with us. I hope that happens today. If it doesn't, a message will be sent throughout the world—yes, to our troops in Iraq who are fighting to bring freedom of speech around the world, that here in the U.S. Senate, we have just stood with a global gag rule. I hope that is not the message we send.

I don't want to see us continue this global gag rule. It is hurting the very people we say we care about—the poorest of the poor, the women, the girls, the victims of rape, the victims of incest.

The amendment I plan to offer and which we have actually set aside is identical to the one we passed 2 years ago. It is very simple. It simply says that nongovernmental organizations cannot be denied funding solely because the medical services they provide with their own funds include counsel and referrals. They cannot be denied funding solely because they use their own funds to advocate for new laws. That is all we say.

In this amendment we admit very straightforwardly that no NGO can violate its own country's law. If abortion is illegal and you cannot refer people in your country, if they say that is the law of the land, of course, we support people paying attention to the laws of their country. But we do not say, and we shouldn't say and we wouldn't say it here, that these NGOs shouldn't be able to lobby for new laws. This is very important.

In Nepal they sent a 13-year-old girl away for 20 years. She was a victim of an uncle's incest. They let the rapist go free and there were no penalties for the parents who forced her to have an abortion. That NGO, that clinic that turned back USAID funding, said we are not selling out our people. We are not selling out a child for some dollars.

I cannot believe the side that we were on. The global gag rule put us on the side of a rapist. That is what the global gag rule did. That is not a side anyone in this Chamber wants to be on. I hope everyone in this Chamber will vote to be on the side of the women who were the victims. They need us to be by their side.

Basically, what we are saying in our amendment is we believe in human rights. We believe in freedom of speech. We believe other countries should have the same freedoms we have in this country. And if we cannot gag people in this country, let's not do it abroad just because we can. Almost 60 years ago in the dark shadows of World War II, it was our country that championed the universal declaration of human rights, setting a standard for human rights all over the world. This is what that declaration said:

[T]he advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

That is America after World War II. Can someone explain to me how America feels it is on the side of the good when we will punish a nongovernmental organization that goes to bat for a rape victim who is 13 years old? We are not on the side of human rights. We are on the side of people who are doing evil. That is wrong. That is not what our Government ought to be doing.

The aspirations of our country and of our people should be reflected in our policies. That is why I urge my colleagues on both sides of the aisle to do what they have done over and over again: Stand up and be counted on the

side of freedom and justice and the American way. It is the American way to foster freedom and justice, to allow people, even when we do not agree with them, to take their complaints and their points of view to their governments. That is what our soldiers are fighting for and dying for in Iraq, yet with this policy we stand on the side of tyranny.

I urge my colleagues to stand with us again. This is a bipartisan Boxer-Snowe amendment. I urge Members when the time comes—and I hope the chairman will let us know at what point we will be voting—I urge Members to stand with Senators BOXER and SNOWE in this bipartisan amendment to end the global gag rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, once again the distinguished Senator from California has presented her case, as always, with conviction and with eloquence. She is an able and a remarkable advocate for her position on this very important and controversial issue.

When President Bush restored the so-called Mexico City policy upon coming into office in 2001, he stated his conviction that United States taxpayer funds should not be used to pay for abortions or for those who actively promote abortions as a means of family planning.

It should be made clear this does not lessen our country's commitment to strong international family planning programs. Indeed, President Bush's fiscal year 2005 budget requests \$425 million for population assistance, the same funding level appropriated during fiscal year 2001, President Clinton's final year in office.

President Bush has confirmed his commitment to maintaining these funding levels for population assistance because he knows that one of the best ways to prevent abortions is to prevent unwanted pregnancies through voluntary family planning services. This is the policy of our Government today and it is one that President Bush advocates in the future.

I expect we will continue to have debates in the Senate on the Mexico City policy. As the distinguished Senator from California has pointed out, that has been the case for several years. Over the years there have been numerous attempts to reach compromise language that would satisfy all sides on this important issue, but no acceptable accommodation has thus far been found. This is why President Bush has advised us he will veto any legislation that seeks to override the Mexico City policy.

USAID can and does provide the family planning information services in developing countries through many foreign NGOs. The President has determined that such family planning assistance will be provided only to those foreign grantees whose family planning programs are consistent with the policies of this administration. Every

President since 1984 has exercised that right.

As manager of the President's bill, I, along with every other Senator, must take seriously the President's statements that he would veto the legislation if it were presented to him without the Mexico City policy intact. I believe it is highly unlikely that he will change his mind at this point. The President has been very clear and the directives with regard to administration policy on this legislation are also clear.

I will oppose this amendment. I ask other Senators to do so for the reasons I have given.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators CORZINE and MIKULSKI to the amendment.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, women around the world should have access to safe health care, especially those who are struggling in some of our world's poorest nations. That is why I am in the Senate this afternoon to support the Boxer amendment. I thank Senator BOXER for standing up on an issue that affects women around the globe. I am very proud to be a cosponsor and supporter of this amendment.

This amendment is about ensuring that women around the world have access to health care that they need, especially reproductive health care. It does not get much attention, but in the developing world, complication from pregnancy is one of the leading causes of death for women. It ranks right up there with tuberculosis. According to the World Health Organization, more than half a million women die every year of causes related to pregnancy or childbirth. That is more than one woman dying every minute of every day. That is what we are talking about with this amendment. That is a crisis.

Now, you know when there is a medical crisis, something that kills hundreds of thousands of people every year, we do not just stand by. We work to make things better. In poor countries around the world, medical professionals and nongovernmental organizations are simply trying to make things better. They have set up clinics. They have done an excellent job. They are reaching out to poor communities. And they are opening the doors of access to women and families who desperately need health care. They are doing great work. But today their hands are tied, and even worse their hands are tied because the Bush administration has imposed a political ideology on the world. We cannot allow this undemocratic policy to deny women and their children health care and ultimately sentence them to die.

As my colleague, Senator BOXER, has talked about, when President Bush took office in 2001, he signed an Executive order known as the global gag

rule. It denies U.S. funds to any overseas health clinic unless it agrees not to use its own—its own—private, non-U.S. funds for anything related to abortion. If you are a medical professional living in an impoverished country trying to help people, save lives, you are gagged from even talking about certain reproductive health services.

We would not stand for that in the United States. We know how important the doctor-patient relationship is. When we go to a doctor, we want to know that the doctor is giving us all the advice we need—not holding something back because of a gag rule imposed on him by someone else. But that is exactly what the global gag rule does. It is forced on women in poor countries around the world, and that is just simply wrong.

I am not going to take the time to go into detail on why I believe this gag rule is so wrong, but I just want to mention a few things. Simply put, the gag rule undermines reproductive health care, it hurts our efforts to prevent HIV and AIDS, and it limits access to contraceptives. The gag rule places limits on women and doctors that we would never accept here in the United States.

But here is the bottom line and something all of our colleagues should remember as we go to vote on this amendment: This is about protecting women's lives. Today, the women around the world are being denied the care they need because of an ideological policy, and they are dying as a result. We cannot tolerate that as Americans, and that is why I have come to the floor this afternoon, to urge my colleagues to support the Boxer amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President. I thank my colleagues for discussing this important issue and I appreciate Senator BOXER's concern. This is well-plowed ground that we have traveled over several times. We have been over this issue a number of years. The Mexico City Policy was first introduced by Ronald Reagan. It is a commonsense policy that President Reagan first put forward in 1984, based in part on his belief that U.S. taxpayers should not be forced to subsidize or support organizations that perform or promote abortions through international family planning programs, period.

President Reagan, as was typical in his way, looked at the root of the issue and said: I understand we have an enormous debate in America and around the world about the issues surrounding the questions "when does life begin? Does it begin in the womb or not?" There is an enormous debate about these important questions—and I am going to set that debate aside, President Reagan said, but I am going to say as well, the American public has very clearly defined itself on the issue

of taxpayer funding of abortion. The people are saying: We may debate back and forth about the life issue, but we do not want taxpayer funding to provide for abortions, particularly overseas. That is just a bridge way too far for me to cross, too far from the very fundamentals of the debate, for now the country is a pro-life country and generally people are opposed to abortion taking place.

That was the 1984 decision put in place by Ronald Reagan, later overturned by President Clinton, later put back into place by President Bush. One of George W. Bush's first acts in office was to reinstate the Mexico City Policy. The Mexico City Policy simply prohibits provision of Federal taxpayer funds to organizations that "perform or actively promote abortion as a method of family planning in other nations." It is a very simple issue. It is a very direct, straightforward issue. I want to say as well, that when individuals try to frame this debate by saying this is about women's rights and issues, and a lack of our support of them on the international level, I want to step aside for just a minute and point out the record of the Bush administration on women's rights, on issues in Afghanistan where women are now voting and actively participating in politics and society, is just tremendous.

Senator BOXER and I both put forward a bill about women's rights in Afghanistan, and, in addition, the Bush administration is implementing and remedying concerns for women in Iraq who are now voting and are now proudly waving their fingers with the ink stain upon them. Brave women are demonstrating their rights and standing up to defend their rights around the world. This administration, on a very practical level, is putting forth and implementing programs in great strides to assure women's rights around the world, and they should be congratulated for that and thanked for all their efforts.

Now, you can try to tie this question of taxpayer funding for abortions overseas back into that issue, but I do not think that is a fair point of the debate. The fair point of the debate is, it is taxpayer dollars. It involves the very difficult, sensitive issue of "when does human life begin?"—a question which we have failed to resolve in this country as of this moment.

Should American taxpayers be funding abortions in many countries all around the world? People say: Well, there is more family planning now. The dollars do not go directly for abortion. The money is fungible. It can go into an organization and be used to replace dollars that can then be used for abortion. Why should we put that sort of ideology forward on another country when we have not resolved it ourselves?

I think the Bush doctrine, formerly the Reagan doctrine, the Mexico City Policy, should stand for good reason. It stands with the American public. We

should not be using Federal taxpayer dollars to fund abortions overseas. That is the view of 75 to 80 percent of Americans.

Many Americans do not like the way we handle foreign assistance now anyway. I personally think we should be generous in our foreign assistance and in some cases do substantially more to alleviate poverty. But if you frame the debate into these sorts of issues alone, you start to drive away people's support for foreign aid and for supporting the good that is taking place in other countries. That is not a good thing to do, particularly when we have been given so much as a nation. I would hope we could help more overseas, but it has to be in a sensible way that the American public agrees with.

So while I appreciate being able to work with my colleague from California on many issues, this is one where we will have to part company. I really think President Reagan got this principle right, and the continuation of the Mexico City Policy by President Bush is right as well. Respectfully, I urge my colleagues to vote against the Boxer amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I so appreciate my colleague coming to the floor and taking time to express his views, but I think it is very important to straighten out the record.

What my colleague is talking about is putting strings on U.S. taxpayer funds. That is the Helms amendment, and that has been the law since 1973. What the global gag rule does is different. It tells nongovernmental organizations abroad that they will lose U.S. funding if they use their own funds not ours, but theirs—to lobby to change egregious laws in their country.

In order for a nongovernmental organization to fight to change an egregious law, like the one that used to exist in Nepal—which I know my friend would not agree with—that nongovernmental organization, I tell my friend, had to give back their USAID money because they were using their own funds to change the laws of Nepal. So we gagged this nongovernmental organization from helping a child who was raped. The rapist did not go to prison. The rapist—the uncle—was free. The parents did not go to prison even though they forced her to have an illegal abortion. The child went to prison.

The only way the nongovernmental organization was able to work to change the law in that country, which punished a child who was a victim of incest, was to give back the USAID money. Otherwise, they could not lobby for law changes in their own country.

Now, I use that example because it shows why this law is so egregious. And again, to make the point to my friend, the Helms amendment, which has been in place since 1973, already precludes U.S. Federal funds from being used by nongovernmental organizations in any

aspect having to do with abortion. They already cannot use our funds to perform abortion. They already cannot use our funds to refer.

They already can't use funds to advocate. That is taken care of. The global gag rule is different from that. It is putting a gag around the very people who are trying to help prevent pregnancies, who are trying to help girls such as Min Min in Nepal who was the victim of incest. That is plain wrong. I don't mind my friend disagreeing with me. And we do agree on many issues and have worked together and will continue to. But I would hope we would not confuse the Helms amendment, which has been in place since 1973 and does not allow a penny of taxpayer funds to go in any way to the provision of abortion services. Don't confuse that with the gag rule, which keeps nongovernmental organizations from being able to use their own funds as they see fit to help women and girls in tragic circumstances such as the one I described by changing the repressive laws in some of their countries.

I urge my friend to please be clear that these are different issues. We already deny the use of Federal funds for anything having to do with overseas abortion or its lobbying. But the gag rule takes it a step further and says these organizations that work so hard in the toughest environments cannot use their own funds in the way they see fit to advocate for changes in the law, to help women understand what their options are. And it is antithetical to the United States of America, to freedom of speech. My friend knows we couldn't do that here. We couldn't tell people here that they can't talk to their patients. That would be unconstitutional.

I urge my colleagues to please vote on what this issue is, not on what this issue is not. We live with the Helms rule. We are not changing that. We simply want to get rid of this global gag rule today. I hope Members will vote aye on the Boxer-Snowe amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are looking forward to conclusion of this debate and another debate prior to getting into the voting sequence at about 4:30. May I ask the participants, the distinguished Senator from California and the distinguished Senator from Kansas, could there be agreement that the amendment would come to conclusion in 20 minutes of time and that this be apportioned 10 minutes to the distinguished Senator from California and 10 minutes to the distinguished Senator from Kansas? There would be no other speakers and that would conclude the debate. Then we would be able to proceed with an amendment by Senators CRAIG and BAUCUS.

Mrs. BOXER. If I may respond to the chairman, I have no problem. I would like to close the debate. That will be fine with us as long as I may conclude.

Mr. BROWNBACK. No objection from myself.

Mr. LUGAR. Mr. President, I ask that debate be of 20 minutes duration, that the time be under control of the Senator from California and the Senator from Kansas, and that the Senator from California be able to conclude the debate.

Mrs. BOXER. Reserving the right to object, 10 minutes each and no second-degree amendments; is that part of it?

Mr. LUGAR. That would be correct, no second-degree amendments.

Mrs. BOXER. Then I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair and the Senators.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, responding to a couple of the comments of my colleague from California, I would like to cite and include in the RECORD a Congressional Research Service report on international family planning, the Mexico City policy. This report is dated April 2, 2001. And then another one, an updated one on population assistance and family planning programs, issued for Congress, May 19, 2003.

In the 2003 report, I want to cite this briefly because we are getting involved in a discussion about what the wording of the Boxer amendment does and what it does not do. I contend that clearly what could take place with the passage of the Boxer amendment, is that money could go to a foreign organization that performs abortions. These organizations can't use the money directly for abortions, but they can move private money to do abortions while using the government money for advocacy. That is what I am saying. My colleague is giving the illustration of this tragic situation that has occurred where there has been a rape in Nepal and this is a heart-rending example of these types of cases right before us now.

Regardless of how you view life, and when human life begins, we are going to set that issue aside but I hope we get to debate that issue one of these days. In this CRS report dated 2003, USAID issued additional guidelines on the implementation of the Mexico City Policy and stated that organizations could not "perform abortions in a foreign country except where the life of the mother would be endangered or in cases of forcible rape or incest." So where my colleague is talking about a case of forcible rape taking place and a choice of an organization having to choose between performing an abortion or losing their funding, the USAID policy says that performing such an abortion is a specific exemption from this Mexico City policy that is squarely on point in this CRS report.

I ask unanimous consent to print in the RECORD selections from the two CRS reports that I have mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At Mexico City, Reagan Administration officials emphasized the need for developing countries to adopt sound economic policies that stressed open markets and an active private sector.

Again nearly a decade later, the Clinton Administration changed the U.S. position on family planning programs by lifting restrictive provisions adopted at the Mexico City Conference. At the 1994 Cairo Conference, U.S. officials emphasized support for family planning and reproductive health services, improving the status of women, and providing access to safe abortion. Eight years later, President Bush revoked the Clinton Administration position on family planning issues and abortion, reimposing in full the Mexico City restrictions in force during the 1980s and early 1990s. Throughout this debate, which at times has been the most contentious foreign aid policy issue considered by Congress, the cornerstone of U.S. policy has remained to be a commitment to international family planning programs based on principles of voluntarism and informed choice that give participants access to information on all major methods of birth control.

Nevertheless, the controversy spilled over into U.S. foreign aid policy almost immediately when Congress approved in late 1973 an amendment to the Foreign Assistance Act of 1961 (Section 104(f)) prohibiting the use of foreign development assistance to pay for the performance of abortions or involuntary sterilizations, to motivate or coerce any person to practice abortions, or to coerce or provide persons with any financial incentive to undergo sterilizations. Since 1981, Congress has enacted nearly identical restrictions in annual Foreign Operations appropriation bills.

For the past 25 years, both congressional actions and administrative directives have restricted U.S. population assistance in various ways, including those set out in the Foreign Assistance Act of 1961, and more recent executive regulations and appropriation riders prohibiting indirect support for coercive family planning (specifically in China) and abortion activities related to the work of international and foreign nongovernmental organizations. Two issues in particular which were initiated in 1984—the “Mexico City” policy involving funding for nongovernmental organizations (NGOs), and restrictions on funding for the U.N. Population Fund (UNFPA) because of its activities in China—have remained controversial and continue as prominent features in the population assistance debate.

During the Bush Administration, efforts were made in Congress to overturn the Mexico City policy and rely on existing congressional restrictions in the Foreign Assistance Act of 1961 banning direct U.S. funding of abortions and coerced sterilizations. Provisions adopted by the House and/or Senate that would have reversed the policy, however, were removed from legislation under threat of a presidential veto.

Efforts to Legislate the Mexico City Policy. Beginning in 1993, abortion opponents in Congress attempted to legislate modified terms of the Mexico City policy. Under the threat of a Presidential veto and resistance from the Senate, Mexico City restrictions had not been enacted into law until passage in November 1999 of the Consolidated Appropriations Act for FY2000 (P.L. 106-113).

In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the

date they signed an agreement to receive FY2000 USAID population funds through September 30, 2001: perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest; violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or attempt to alter the laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

If an organization declined to certify or did not return the certification form, it was ineligible to receive FY2000 USAID population funds unless it was granted a waiver under the \$15 million exemption cap.

The regulations also contain exceptions: abortions may be performed if the life of the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest; health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).

The new Administration Mexico City guidelines state that U.S. cannot furnish assistance to foreign NGOs which perform or actively promote abortion as a method of family planning in USAID-recipient countries, or that furnish assistance to other foreign NGOs that conduct such activities.

Examples of what constitutes the promotion of abortion include: operating a family planning counseling service that includes information regarding the benefits and availability of abortion; providing advice that abortion is an available option or encouraging women to consider abortion; lobbying a foreign government to legalize or to continue the legality of abortion as a method of family planning . . .

The regulations also contain exceptions to these policies:

abortions may be performed if the life to the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest.

health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).

“passive” responses by family planning counselors to questions about abortion from pregnant women who have already decided to have a legal abortion is not considered an act of promoting abortion.

referrals for abortion as a result of rape, incest, or where the mother's life would be endangered, or for post-abortion care are permitted.

Recipients of USAID grants, however, could use their own funds to engage in abortion-related activities, but were required to maintain segregated accounts for U.S. money in order to show evidence they were in compliance with the abortion restrictions.

Mr. BROWNBACK. Furthermore, I want to back up to an earlier point that I engaged on with my colleague. We live in a wonderful nation. This is a beautiful land. I have traveled to many of the developing countries around the world. They look up to America. They seek help and support from America. They seek our ideals. When we go there and we push issues such as abortion or are associated with groups that push issues such as abortion, we are reduced as a nation. Actions like this says to developing countries: We have issues such as malaria, we have issues such as HIV/AIDS, feeding our poor people, and you are out here pushing this ideology. Why are you doing that?

I go home to my constituents in Kansas. They think the foreign aid budget

is about 25 percent of the budget, which it is not. It is about 1 percent. But then if a case such as this comes up, tax payer funding of abortions in developing countries—and they don't say it as much now—they say: We are funding abortions overseas, and we don't like it. I remember in 1994 hearing many people saying things such as that.

If we pursue this sort of policy, it diminishes our possibility to go to the public and say: We want to do whatever we possibly can to end poverty, hunger, and alleviate suffering in the world. We can do more and we want to do more. We are out there pushing to do more. If we force policies such as this, it cuts the knees out from underneath all our other efforts because then a number of people say: How are you doing alleviating poverty by funding a group that funds and works for abortion? How is this work alleviating suffering and poverty? It seems as though you are going against the very message you ought to be driving and pushing forward.

My colleague and I have come together to discuss and work on many important issues, but we disagree sometimes. We have different views on the point of life. But, from my work, I know that there are great groups of people in this country and a pretty strong majority that says we need to help more overseas. But it has to be sensible help. There have to be ways we can feed more people and ways we can take care of sickness, where we can end the fighting in places such as Darfur, where we can move forward in economic development, in ways such as the Millennium Challenge Account Program is structured to do.

Amendments such as this have a harmful overall impact on the body politic of this country, disrupting a chance to do something that is very noble and good. I understand my colleague is putting it forward as a noble cause. I don't think it is being received or can be viewed in that way.

With all due respect to my colleague and her heart for her goodness to do the right thing, this amendment is not helpful on many levels. I urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my colleague misses the entire point. The reason this child was sent to prison in Nepal after incest by an uncle and being forced by her parents to have an abortion is because of the former law in Nepal. And the policy my friend is supporting, the global gag rule he extolls, prohibited that clinic from going to bat for this child and using its own funds to change the laws. To do that, they had to turn back their U.S. funding. Are you proud of that? They decided, this nongovernmental organization, to give back the money because they felt it was that important to fight for that child who was the victim of incest and get that law changed.

It took them several years. That child had a 14th birthday in prison, and

she had a 15th birthday in prison. But they succeeded. One would think we would be on their side. One would think the United States of America would be on the side of a child who was raped and against a man who performed that act. One would think that is the side we would be on, the side of this child. But, oh, no, the global gag rule told that clinic: You cannot change the law because if you do that, you are violating the global gag rule.

That is the point. It is true there is an exception for rape and incest in the rule, but it does not apply if the country does not make an exception for rape and incest. So what we should say in those cases—at least work with me on this—is allow them to keep their money if they are working to change the law on rape and incest in their country. But my friend is not doing that. He wants the status quo.

Then we have the case in Uganda where three underage girls died from botched abortions. The same man impregnated them, and the clinic was afraid to help because they could lose all their American money. The girls died.

Is that what we are celebrating today, a policy that allows a child to rot in prison if she is raped, a policy that allows a rapist to be free, a policy that says three girls impregnated by the same man should die in a back alley? I hope not. This is very serious. This is not only about words. This is not a debate about when life begins. We can have that debate any day of the week.

I will tell my friend right now, I would die for his right to believe what he believes on that issue, and I hope he would die for my right to believe what I believe on that issue because that is a question between us and our God. That is not on the table today.

What is on the table is a real-life question: With whom do we stand? I hope when we come to this vote, which we are going to have shortly today, we are going to stand with the women and girls of the world who need our protection, not our vengeance, who need to know we are not going to gag the people who are there to help them, but, in fact, allow the people who are there to help them, to use their own funds to tell the truth about their life and their options and their health. This is a very serious matter.

Mr. President, if the other side will yield back its time, I will be glad to yield back mine; otherwise, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, if I could have 1 minute. How much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining.

Mr. BROWNBACK. Mr. President, I will address directly one point, if the Senator does not object. I read from the CRS document May 19, 2003, on this topic:

In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the date they signed an agreement to receive FY2000 USAID population funds . . . :

Perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest;

Violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or

Attempt to alter laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

As I understand it, USAID is required by the Mexico City language, that in horrific difficulties and circumstances, such as the case the Senator discussed, individuals may work with organizations who provide abortions. But it is on a narrow set of circumstances because the American public does not agree with taxpayer funding of abortions overseas.

I submit the report for the RECORD, and I yield the floor. If my colleague is prepared to yield back time, I am prepared to yield back time, too.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond.

Again, my colleague has made my point. He read into the RECORD exactly what I said. Under the gag rule, you cannot perform abortions except for rape, incest, or life of the mother. That is right. But here is the second point: You cannot attempt to alter the laws, and that is the exact reason I cited for why the nongovernmental organization that is prohibited from altering the laws of their country had to give back their funding. That is exactly the point.

My friend made my argument for me by reading what I have been saying. This nongovernmental organization wanted to change the laws in Nepal so that a child who was raped or a victim of incest would not rot in prison. They were precluded from using their own money to alter the laws of their country. My friend read it right into the RECORD, and I thank him for that. He made my point.

So, yes, at the end of the day, we stand with the rapist in this case against the child, and that is wrong, and that is the reason I hope my colleagues will join with me.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, in an effort not to belabor this too much, there is a set of semantics being argued back and forth. I invite my colleague to submit suggestions on regulatory changes to the USAID to try to address this narrow point, if that is, indeed, the case. I hope we do not, in focusing on a particular very narrow tragic issue and circumstance—and nobody is celebrating that tragedy—I hope we do not lose focus of the broader issue of taxpayer funding of abortions overseas.

We can focus in on this very narrow point of view—and it is a tragic circumstance, I will concede that to my colleague. Maybe we can negotiate a regulatory change to address these important concerns if these words do not do it. I think we are arguing semantics here. Let's not lose sight of the fact, which is that this amendment would send taxpayer dollars to fund abortions overseas.

I urge my colleagues to vote against the Boxer amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is as if we are talking past each other. My friend made the case for me. He read the restriction which is that no organization can attempt to alter the laws of their country. And so we are standing against people having their rights at self-determination. Can you imagine if we sent out a notice to our people, let's say on both sides of the gun debate, and said to both sides: You cannot discuss this matter with your representatives. We could not do that for 3 seconds. First, we would be run out of office on a rail. But we are willing to be an imperial power and tell others in other countries they cannot advocate on behalf of the people of their country.

The last point I will make is my friend keeps repeating the phrase "U.S. taxpayer funds." He is confusing the debate. There was an outright ban written in 1973 by Jesse Helms which has been upheld in the Congress ever since that not a dime of U.S. taxpayer money could be used in any way, shape, or form to provide abortion. And there is another law that says you cannot use U.S. taxpayer funds to lobby. So those things are already set.

What we are talking about is an additional law put into place by the Bush administration after it was off the books for 8 years which says forget about U.S. taxpayer money, we are telling nongovernmental organizations that to get that money, they cannot use their own funds in any way to provide abortion, to counsel women, to tell women their options, or—and this is the case in point—even to lobby their legislature to change laws, such as the one that put this child in prison who is the victim of incest. I do not understand how we can stand on that side of this issue.

I can give you 100 examples. I do not want to take the Senate's time to do that. The other case was in Uganda where the clinic was gagged and could not tell these girls where they could go to get a safe abortion to end a pregnancy forced on them by a gentleman—I should not call him a gentleman—a man who impregnated three of his students, and the clinic was scared to say anything, and these girls got illegal, what they call backyard abortions in that country and died.

Now, why do we want to stand on the side of the law that is resulting in girls going to jail when they are raped by a

relative and girls dying from botched abortions because we put a gag on the clinic? I hope this Senate will pass the Boxer-Snowe bipartisan amendment that will send a signal to the world that we believe very strongly in their rights to aggressively approach their government and talk about laws that may need changing, their rights to look a woman or a girl in the eye and say, look, regardless of what your religion is or what your feeling is, these are the options you have.

I do not think keeping women ignorant is a very liked policy, and anyone who votes for this global gag rule votes to keep the women of the world ignorant. I hope my colleagues will vote for the Boxer-Snowe amendment. I look forward to a successful vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senators for this debate. A vote will occur on it at a time in the future, probably in sequence with the 4:30 vote.

At this point, I have two points of important business. These are amendments that have been agreed upon.

AMENDMENT NO. 279

Mr. LUGAR. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 279.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 207)

On page 24, strike lines 1 through 5.

Mr. LUGAR. Mr. President, this amendment strikes section 207. It was scored by the Congressional Budget Office as containing direct spending that needed an offset. While there is some disagreement between the executive branch and Congressional Budget Office on the scoring, if section 207 were not stricken, the legislation would be subject to a budget point of order. I understand the staff of the Budget Committee and the staff of the Senate Foreign Relations Committee have come to an agreement, and this amendment removes the threat to the legislation. We know the State Department considers section 207 important. We will do our best to provide these authorities, but we must do so in a way that is budget neutral.

For this reason, until a way can be found to resolve the scoring difficulties, we ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 279) was agreed to.

AMENDMENT NO. 280

Mr. LUGAR. I thank the Chair. Mr. President, on behalf of Senator SCHU-

MER, I send an amendment to the desk. This is an amendment that requires that foreign assistance be withheld from foreign countries that owe parking fines in Washington, DC, or New York City. The amount withheld would be 110 percent of the fines.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. SCHUMER, proposes an amendment numbered 280.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose an economic sanction on foreign countries that owe parking fines and penalties or property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

SEC. . WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES.

SEC. . (a) IN GENERAL.—Subject to subsection (c), of the funds made available by this Act for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country.

(b) PAYMENT. Funds withheld from obligation for a country under subsection (a) shall be paid to the jurisdiction to which the unpaid fully adjudicated parking fines or penalties or unpaid property taxes are owed.

(c) AMOUNTS WITHHELD TO BE ADDITIONAL FUNDS.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) WAIVER.—

(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) REPORT.—Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the appropriate congressional committees describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) The term “fully adjudicated” includes circumstances in which the person or government to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2005.

(4) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined by a court or other tribunal to be owed by a foreign country on real property in the District of Columbia or New York, New York.

Mr. LUGAR. I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 280) was agreed to.

AMENDMENT NO. 274, WITHDRAWN

Mr. LUGAR. Mr. President, I ask unanimous consent that adoption of amendment No. 274 be vitiated and the amendment then be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. At this juncture, I ask the Chair to recognize the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the chairman of the Foreign Relations Committee. I ask that the pending amendments be temporarily set aside so I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I would like to raise a question with the distinguished Senator from Montana. Would the Senator and his colleague, Senator CRAIG, be prepared to enter into an agreement that the amendment should have 36 minutes of consideration; namely, between now and 4:30, with the time equally divided between opponents and proponents, no second-degree amendments?

Mr. BAUCUS. I might tell the chairman that is certainly fine with this Senator.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. What was the Senator's conditioning on the second degree?

Mr. LUGAR. The request is 36 minutes total for the amendment, 18 minutes per side, that concluding at the time of our voting sequence starting at 4:30.

Mr. CRAIG. Including all amendments?

Mr. LUGAR. Yes, with no second degree.

Mr. CRAIG. No objection.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Reserving the right to object, the minority leader staff tells me we have to check with other Senators on this side who may want to speak to this amendment, but why do

we not proceed. I would object for the moment, but hopefully I can resolve this very quickly.

The PRESIDING OFFICER. The objection is heard.

The Senator from Montana.

AMENDMENT NO. 281

(Purpose: To facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 281.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 282 TO AMENDMENT NO. 281

Mr. CRAIG. Mr. President, I send a second-degree amendment to the desk on behalf of myself and Senator ROBERTS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, and Mr. ROBERTS, proposes an amendment numbered 282 to amendment No. 281.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the payment terms under the Trade Sanctions Reform and Export Enhancement Act of 2000)

In the matter proposed to be added, strike section 2905 and insert the following:

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

“(C) Notwithstanding any other provision of law, the term ‘payment of cash in advance’ means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

“(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on February 22, 2005.

Mr. CRAIG. Mr. President, I rise today to offer a second degree of time certainty to the most important legislation of the Senator from Montana, S.

328, that was produced in bill form and now we hope can become an amendment to the State Department's authorization bill that deals with agricultural export facilitation. I speak to that most importantly because of the tremendously positive work that has been going on in agricultural exports between this country, our agricultural producers, and the Nation of Cuba.

I am in complete agreement with the President when he said:

Open trade is not just an economic opportunity, it is a moral imperative. When we negotiate for open markets, we are providing new hope for the world's poor. And when we promote open trade, we are promoting political freedom. Societies that open to commerce across their borders will open to democracy within their borders, not always immediately, and not always smoothly, but in good time.

That was a quote in 2001. It is most appropriate today. Senator BAUCUS, myself, Senator ROBERTS, Senator HAGEL, Senator LUGAR, and 25 other Members of this Senate have grown increasingly frustrated with the bureaucratic effort at the Department of Treasury literally to shut down the intent of very important legislation that became law in 2000. The Trade Sanctions Reform Act recognized a need and an opportunity to sell agricultural products to Cuba for cash, that we would not ask the taxpayers of this country to facilitate. In fact, we would be very strict and very narrow in those relationships with the nation of Cuba because of overwhelming interests in a variety of other areas at that time, and it passed the Congress.

That became law. That law began to work. In the course of its workings, Cuba grew from a trading partner that was the 226th largest against all of our trading partners to the 21st largest this past year. We have produced and sold nearly \$1 billion worth of agricultural products to Cuba since that law became operative in 2000. It has become one part of a total of valuable tools that the agricultural community of this Nation uses in trade.

Nearly 34 States have sold products to Cuba and that clearly speaks about the broad base of support that this legislation has.

Somehow and for some apparently very biased reason—let me be blunt—Cold War bureaucrats in the Department of Treasury at OFAC decided, no, we are going to change the law by regulation.

We are going to squeeze and push and deny, and as a result we will collapse the ongoing trade with Cuba that is clearly within the law and within the Trade Sanctions Reform Act of 2000.

What we do with this amendment offered to the State Department authorization bill, and my second-degree amendment, is very clear. We simply restate the law, the intent of the law. We want OFAC to understand what Congress's intent was. We define what a cash payment in advance is. We authorize the issuance of a general license for U.S. agricultural producers to

travel to Cuba for the purpose of agricultural trade. We authorize direct cash payments to U.S. banks, cash payments. It is very important we understand that. We repeal section 211 as it relates to the 1999 Omnibus Act, and trademarks, and we clarify a variety of other issues.

What is most important, and for our colleagues who support us in this effort and support the agricultural community in our country's ability to sell to Cuba for cash, we say we are for all intents and purposes reinstating the intent of Congress as expressed in the 2000 law. That is what is important here. We do not believe it is the right or responsibility of Treasury to change the rules or the name of the game or the intent of the law. That is why the Senator from Montana and I have come to the floor, for that purpose. The Senator remains on the floor and I know wants to express his concern.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first I thank the chairman of the committee, second my good friend from Idaho, Senator CRAIG, and other Senators who have cosponsored this amendment. There are at the present moment about 30 cosponsors of this amendment. It is bipartisan. I might say there is tremendous interest in this legislation also in the other body.

To review where we are, back in the year 2000, not too many years ago, we in the Congress approved legislation called the Trade Sanctions Reform and Export Enhancement Act, otherwise known as TSREEA. What was the point of that legislation? It was legislation which authorized cash-in-advance food and medicine sales to Cuba. That is, the Congress carved out a substantive area of food and agricultural sales to Cuba. It did not provide a broad-brush authorization for trade with Cuba; rather, it narrowed it to food and to medicine for humanitarian reasons. It just made sense for the United States to be able to send its medicine and its food products, its agriculture, to Cuba. Clearly this made a lot of sense. Food should never be used as a weapon, and surely no dictator has ever missed a meal.

Second, big government has no business telling the U.S. farmers and ranchers to whom they could sell their products, for a lot of reasons. One is agriculture is facing such dire straits in many parts of our country. In addition, U.S. agriculture is facing a shrinking trade surplus. It used to be agriculture products exported overseas were the one big bright spot in the trade imbalance. That is no longer true. Agricultural programs are under tremendous pressure from budget cuts—more so now than has been the case in the past.

We should be looking around for new markets for American products, not

cutting out export markets for American agricultural products. Cuba certainly presents a promising market for Montana and for American agriculture. Yet, unbelievably, the Treasury Department has recently issued a new rule. That rule makes it harder, it makes it much more difficult, for U.S. farmers and ranchers to sell agricultural products to Cuba. It makes it much more difficult in spite of the intent of the law we passed in 2000.

This rule by Treasury requires Cuba to pay for goods before shipment instead of before delivery, as was the case in the last 3 years after the act was passed. For some reason, here in 2005, a few years after the act has been in operation and working, the Treasury Department passes new regulations, just out of the blue, which make it much more difficult for American farmers to sell their products to Cuba. If Cuba pays for the goods while they are still on U.S. soil, these goods, under this new rule, become Cuban assets, which make them vulnerable to seizure to satisfy unrelated claims.

What is the effect of that? That has a very chilling effect. Treasury says it issued this rule as a "clarification" of the intent of Congress in the bill we passed in the year 2000. Let me be clear. My colleagues and I did not vote for a bill to enhance exports to Cuba that contained payment restrictions so severe as to render U.S. exports uncompetitive or worse. Clearly we did not pass a bill, we did not vote for a bill which makes it more difficult to sell agricultural products to Cuba rather than less difficult, and this regulation makes it more difficult. That was not the intent of Congress. We pass the laws. We decide what the laws of the Nation should be. It was our intent that agricultural sales should proceed unimpeded on a cash basis to Cuba.

When Treasury proposed this rule, I and colleagues on both sides of the aisle in both Chambers made our point very clear that we did not intend this. It was not our intent to have this interpretation.

Why is this so important? Cuba, the largest island in the Caribbean, was worth \$400 million to U.S. agriculture exporters in the year 2004. Since 2001, Cuba has purchased more than \$800 million in agricultural products from 35 States in our Nation, making that island the 25th largest export market for agricultural products.

A year and a half ago, I led a trade mission to Cuba, and I walked away with what I think is a pretty good deal for my State of Montana: \$10 billion in agricultural products on a cash basis; and the fact is they bought \$10.4 million of agricultural products from my State of Montana. I went back last December and signed a new agreement, this time worth \$15 million for Montana agricultural products. Unfortunately, that agreement is now in jeopardy because of the new rule.

In the interim, Treasury passed this new rule. It also applied this new rule

even to sales completed months earlier on a retroactive basis, which is totally unfair. The rule is wrong in the first place. It makes it doubly wrong when it is retroactive. We have \$3 million worth of wheat and pea shipments lined up, and now they have to be renegotiated or abandoned because of this Treasury rule. That is wrong, just dead wrong. I, in this body, have worked hard to sell agricultural products to Cuba and will not stand idly by while Government bureaucrats try to undo all that hard work.

First, this reverses that Treasury rule and clarifies the intent of Congress for Cuba to pay cash for delivery of U.S. goods before delivery, not before shipment. This will ensure that cash sales continue as they have without interruption.

Second, the amendment gives general license to producers and port authorities to travel to Cuba whenever they have agreements to negotiate. This is a big point. Very often, the United States makes it very difficult with a huge amount of bureaucracy and paperwork to go through when the American agricultural exporter wants to go to Cuba to negotiate an agreement. It makes it difficult to do so if we can't go to Cuba to put the deal together.

Third, it requires greater transparency in visa processing for the Cuban buyers and inspectors who have legitimate itineraries in the United States related to the sale or inspection of TSREEA-authorized products.

Again, if a State has sales to Cuba, it only makes sense if the State Department can allow a representative for the Government of Cuba or the representative of agriculture, the purchaser, to come visit that State to see what products that State has in mind. So far the Government is making it very difficult for that to happen.

Fourth, this authorizes direct banking relations for authorized agricultural sales only. We are not talking about any other product. We are talking just about authorized agriculture sales—direct banking relations which would have the effect that U.S. banks can deal directly on this matter rather than as currently is the case where they would have to go through a third party, where European banks are making money off the U.S. agricultural sales.

Finally, this amendment repeals an obscure trademark law that benefits no U.S. company, but puts at risk thousands of U.S. trademarks, including those branded food products sold to Cuba in the past 3 years. Section 211's supporters say it protects confiscated trademarks but in fact makes very clear no government—not even Fidel Castro's—can expropriate legally registered trademark rights. It is impossible to do. That is why this provision must be enacted.

The truth is, section 211 was enacted to interfere in an ongoing rum label dispute. The fight is not my concern. But what concerns me is unless we

fully repeal section 211, Cuba has the right, under international trademark law, to deny U.S. trademarks reciprocal recognition. That does not make any sense.

In conclusion, I am here to urge us to pass this amendment. It allows American farmers and ranchers a break. More importantly, let them do what we intended them to do when we passed that law in the year 2000. Let us send a message to Treasury that when we pass laws, we mean it. It is not for Treasury. They are the executive branch, and they are supposed to implement the laws, not make new laws, which in effect Treasury is doing by changing its regulations. They are being totally irresponsible. There comes a time when, frankly, it is up to us to put a stop to it and say this is not right and we are going to change it.

I see many of my friends on the floor. I thank my good friend from North Dakota, Senator DORGAN, who cosponsored this amendment.

I say also that I support the trade amendment offered by Senator CRAIG, a perfecting amendment which will help implement the major underlying amendment which I described.

I yield the floor but reserve the time we have.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we under a time agreement at this point?

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Mr. President, let me make a couple of comments about this, and first credit my colleagues Senator CRAIG, Senator BAUCUS, and many other colleagues who have worked so hard on this. Their leadership is especially appreciated.

Go back 5 years to the year 2000 when I, then-Senator John Ashcroft, and my colleagues Senators CRAIG, BAUCUS, and others passed an amendment here in the Senate that became law. The amendment we offered which became law said that American farmers could sell food into the country of Cuba as long as Cuba paid cash for that food. Since that time, we have sold over \$1 billion worth of agricultural commodities into Cuba. When we debated that 5 years ago, I was on the floor of the Senate saying I think it is almost immoral for any country to use food as a weapon. Food ought not be a weapon in foreign policy.

Does anybody here think that for 40 years when we prevented the sale of food to Cuba we injured Fidel Castro? Does anybody believe Fidel Castro missed breakfast, or lunch, or supper, or dinner, because of our embargo on food, because we decided to use food as a weapon? It didn't hurt Fidel Castro. When we use food as a weapon, it hurts hungry, sick, and poor people. That is what happens.

One day not too long ago—a couple of years ago—22 train carloads of dried feeds left the State of North Dakota, my home State, to go from our farms

to Cuba to be fed to the Cuban people. Cuba paid cash for it. It was the first shipment in 42 years.

We have people who never liked that law; didn't like the fact that Congress passed that law; still want to use food as a weapon. What has happened is the Treasury Department's Office of Foreign Asset Control has decided to illegally, in my judgment, redetermine how they interpret that force of law that requires cash payment for food. Normally, when you buy something, when they give you the product, you pay cash and they give you the product. That is the way it is. You pay the money, they give you the product.

What the Department of Treasury has decided in OFAC is that the Cubans would have to pay for this. By the way, they paid cash through a European bank because they can't use a U.S. banking institution. They have to pay for it before that shipment even leaves the local country elevator. It dramatically changes the circumstances of being able to sell and be competitive. They are doing it for one reason, because those who did this don't want American farmers to sell food into the Cuban marketplace. The Canadians sell into the Cuban marketplace. The Europeans do. But they want to go back to the good old days when the American farmers were paying the cost of an embargo. They are dead wrong.

It is interesting. We are told repeatedly and have been told for years that the way to move Communist countries into the mainstream toward democratic reform is through trade and travel. I have been to the country of China; I have been to Vietnam—both Communist countries. We encourage trade and travel with Communist countries, China and Vietnam. But when it comes to Cuba, a Communist country headed by Fidel Castro, who admittedly keeps sticking his finger into our country's eye—I understand that. It is not about Fidel Castro. It is about our farmers being able to sell food into the Cuban marketplace. When it comes to Cuba and Castro, he has lived through 10 Presidents and over 40 years of an embargo.

The fact is this amendment is necessary in order to stop the Treasury from doing something that the Congressional Research Service says they do not think is legal.

Let me make another couple of comments that relate more generally to a related issue. The Office of Foreign Asset Control is an agency down in Treasury that is supposed to be tracking money supporting terrorism. That money supporting terrorism is to be intercepted by OFAC in their investigations, trying to figure out who is supporting Osama bin Laden, and how do we shut down their funding. Guess what. This little agency, which has 21 people, triple the number of people who are working on Osama bin Laden's funding supply, is trying to figure out how they shut down trade and travel to Cuba. They are investigating American

citizens who are under suspicion of having taken a vacation in Cuba without a license.

I have a picture of a young woman I have shown on the floor of the Senate many times. Her transgression was she went to Cuba to pass out free Bibles on the streets of Cuba and OFAC tracked her down and fined her \$10,000.

Trade and travel are two related issues that I believe would work with Cuba, as they work with China and Vietnam. I believe the Communist countries I have described, China and Vietnam as examples, have moved toward more democratic reforms, not completely, but as a result of our policy called engagement, travel, and trade.

With respect to Cuba, we have had this some 40-plus years embargo that simply hasn't worked. But the piece of the embargo, the piece of that issue my colleagues Senator CRAIG and Senator BAUCUS and I and others now want to address is to correct something that is happening down at the Treasury Department that we believe misinterprets current law to correct something the Congressional Research Service says is being done which they believe is not legal. We will find any way we can to force this correction.

My colleagues have described—I shall not go into any greater detail—the provisions. It allows generally visas for agricultural sales to Cuba. If you are going to sell and have a trade relationship, you have to go there and talk about what you have to sell. It would express the sense of Congress that we should issue visas to Cubans who want to buy U.S. agricultural goods, and want to come here. They have systematically refused to give visas to some of these top food-buying Cubans who would come to this country to purchase food. It also fixes payment and advance issues and resolves those kinds of problems that have arisen in recent months with the new ruling by OFAC.

One final point: The current Secretary of the Treasury knows, as did the previous Secretary of the Treasury, that what is happening is goofy; totally without good sense. They know that.

I had a hearing one day when I was chairing a subcommittee, and Treasury Secretary O'Neill was there. I asked him about four or five times. He didn't answer. I knew why he wouldn't answer; it was because he would get in trouble if he did. But about the fifth or sixth time I asked the question—I knew he would eventually answer—he finally answered candidly. I said, Wouldn't you, if you had the choice, rather than track people suspected of vacationing in Cuba, rather than trying to shut down agricultural trade, if you had the choice, use your assets in OFAC to track terrorist money and shut down terrorism?

He finally said, of course. The next day he was chastised publicly by the White House for saying that. We do not get that kind of answer out of anyone in the administration anymore.

This is very simple. It is not a partisan issue. It is the expression of Congress, on a bipartisan basis, Republicans and Democrats, that we ought not use food as a weapon. It is immoral. Farmers should not pay the cost of this country's foreign policy. It makes no sense to allow the Treasury Department to misinterpret law and to try to shut down the ability of United States farmers to sell food to Cuba.

To close where I began, let me say again, these policies have never hurt Fidel Castro. He has never missed a meal. It hurts poor people, hungry people, and sick people in Cuba, and it hurts American farmers. The policymakers who do this know that, they know both of those circumstances and they do it, in my judgment, to perpetuate a political advantage they think exists somewhere in about two States in our country. I think they are wrong.

On behalf of this country's farmers and on behalf of the people in Cuba who would buy and who would need that food, I believe we ought to pass this amendment to the underlying bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 273, AS MODIFIED

Mr. LUGAR. Mr. President, I ask unanimous consent an amendment numbered 273, previously agreed to, be modified with language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 273), as modified, was agreed to as follows:

On page 12, strike lines 16 through 18, and insert the following:

(2) AVAILABILITY OF FUNDS.—

(A) FISCAL YEAR 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) FISCAL YEAR 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

Mr. LUGAR. Mr. President, I now ask unanimous consent that following the vote at 4:45 on the resolution regarding Pope John Paul II, the Senate proceed to a vote in relation to the Boxer amendment; provided further that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I will take the time before the vote to rise in support of the Craig-Baucus amendment. I am a cosponsor of S. 328, the bill on which the amendment is based. I appreciate the views of the Senators on both sides of the Cuban embargo issue. In the Committee on Foreign Relations, concerned Senators have offered constructive ideas on how to approach Cuba with the goal of transforming that island into a democracy, even as Senators disagree on interim policy steps.

My view is within the defined limits of Trade Sanctions Reform and Export Enhancement Act of 2000, United States businesses and farmers should be able to sell products to Cuba. In the interest of expanding opportunities for U.S. agriculture, 5 years ago Congress enacted this law. It exempts from the trade embargo on Cuba commercial sales of agricultural and medical products and allows only for cash sales. No credit or subsidies to the Cuban Government are allowed.

This law has provided a new market for our farmers and ranchers. The American Farm Bureau has reported that since the passage of the bill, United States farmers have sold approximately \$800 million in agricultural products to Cuba. Exports to Cuba have more than doubled since 2002, reaching approximately \$400 million in 2004. Growth in the Cuban market has become especially important as the United States agricultural trade surplus has narrowed over the last 2 years.

Recently, the Bush administration issued a clarification to our Cuban export policy which changed the payment terms of cash sales to Cuba. The Treasury Department rule will make it more difficult to sell agricultural products to Cuba.

The amendment would reverse the Treasury rule by returning it to the status quo payment terms. That has worked well since 2001. It also would cut some of the redtape that makes United States producers less competitive in the Cuban market.

Expanding international markets in our hemisphere and the world will have a positive impact on the lives of Americans. All sectors, especially American agricultural, benefit from the opportunity to sell products to other nations that create jobs in the United States. My home state of Indiana is a world leader in agricultural production and manufacturing. If we hope to sustain our economic strength in the 21st century, we must participate in an expanding global economy. We must aggressively pursue opportunities in new markets and we must keep our competitive advantage and sell our products worldwide.

As a Senator, I worked in the Congress to support trade and economic policies that I believe are in the best long-term interests of our Nation. Con-

stricting agricultural sales to Cuba would have little or no effect on the Cuban regime, particularly since the rest of the world does not participate in our embargo. It would, however, limit the ability of our farmers and our ranchers to sell their products abroad.

I urge my colleagues to support the Craig-Baucus amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATING TO THE DEATH OF THE HOLY FATHER, POPE JOHN PAUL II

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 p.m. having arrived, the Senate will proceed to a vote on the resolution relating to the death of the Holy Father, Pope John Paul II.

The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) relating to the death of the Holy Father, Pope John Paul II.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Colorado (Mr. ALLARD).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

(Rollcall Vote No. 82 Leg.)

YEAS—98

Akaka	Cornyn	Inouye
Alexander	Corzine	Isakson
Allen	Craig	Jeffords
Baucus	Crapo	Johnson
Bayh	Dayton	Kerry
Bennett	DeMint	Kohl
Biden	DeWine	Kyl
Bingaman	Dodd	Landrieu
Bond	Dole	Lautenberg
Boxer	Domenici	Leahy
Brownback	Dorgan	Levin
Bunning	Durbin	Lieberman
Burns	Ensign	Lincoln
Burr	Enzi	Lott
Byrd	Feingold	Lugar
Cantwell	Feinstein	Martinez
Carper	Frist	McCain
Chafee	Graham	McConnell
Chambliss	Grassley	Mikulski
Clinton	Gregg	Murkowski
Coburn	Hagel	Murray
Cochran	Harkin	Nelson (FL)
Coleman	Hatch	Nelson (NE)
Collins	Hutchinson	Obama
Conrad	Inhofe	Pryor

Reid	Sessions	Talent
Reid	Shelby	Thomas
Roberts	Smith	Thune
Rockefeller	Snowe	Vitter
Salazar	Specter	Voinovich
Santorum	Stabenow	Warner
Sarbanes	Stevens	Wyden
Schumer	Sununu	

NOT VOTING—2

Allard Kennedy

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas Pope John Paul II was one of the greatest spiritual leaders and moral teachers of the Modern Era; and

Whereas he set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint; and

Whereas throughout the course of his pontificate he campaigned tirelessly for human rights and human dignity throughout the world; and

Whereas he practiced and inspired resistance to the great totalitarian systems and tyrannies that rose and, with his help, fell in the 20th Century; and

Whereas he fostered harmony between Catholics and Eastern Orthodox and Protestant Christians, reached out in friendship to Jews, Muslims and members of other faiths, and warmly promoted interfaith understanding and cooperation; and

Whereas he dedicated himself to the defense of the weakest and most vulnerable members of the human family; and

Whereas on his visits to our country he has called all Americans to be true and faithful to the great principles of liberty and justice inscribed in our Declaration of Independence and Constitution; and

Whereas his selfless service to God and man has been an inspiration to Americans and men and women of goodwill across the globe; Therefore be it

Resolved That the Congress of the United States joins the world in mourning his death, and pays tribute to him by pledging to be ever faithful to our national calling to be "one Nation, under God, indivisible, with liberty and justice for all," and to help our neighbors in immeasurable ways.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

AMENDMENT NO. 278

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes evenly divided relating to a vote on amendment No. 278, the Boxer amendment. The Senate will be in order.

The Senator from California.

Mrs. BOXER. Mr. President, I hope my colleagues will support the Boxer-Snowe amendment. It is very important to make sure women around the world are given the health care they deserve. Since 1973, the Helms amendment has been in place. That means no American funds can ever be used for anything to do with abortion. But the global gag rule which we are trying to overturn goes much further. It says nonprofit organizations overseas cannot use their own money to help a

woman by giving her options, by giving her a referral. It even says a non-governmental organization would lose all their USAID funding if they advocated to change a very restrictive law in their own country. This is clearly unconstitutional if it were applied here in America.

With our men and women dying around the world for freedom, I do not think we should say there should be no freedom of speech in these countries. We overturned this law many times. I hope we will do it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues. This is well-plowed ground. We have been around this issue since 1984, with Ronald Reagan putting this policy in place. The Boxer amendment overturns that policy. This is about taxpayer funding of abortion overseas.

We can separate the issue of abortion here altogether and say we are not going to talk about that, but this is taxpayer dollars used to support organizations supporting abortion overseas. We talk about different semantics. That is what it does. I urge my colleagues to vote against this amendment. Clearly, 70-plus percent of the American public would be against that. Let's work on foreign policy issues and funding of things on which we have great unity, not ones on which we are divided.

I respectfully urge a vote against the amendment of my colleague, Senator BOXER.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Colorado (Mr. ALLARD).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—52

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Boxer	Harkin	Nelson (FL)
Byrd	Inouye	Nelson (NE)
Cantwell	Jeffords	Obama
Carper	Johnson	Pryor
Chafee	Kerry	Reed
Clinton	Kohl	Reid
Collins	Landrieu	Rockefeller
Conrad	Lautenberg	Salazar
Corzine	Leahy	Sarbanes
Dayton	Levin	Schumer

Smith
Snowe
Specter

Stabenow
Stevens
Warner

Wyden

NAYS—46

Alexander
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint

DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott

Lugar
Martinez
McCain
McConnell
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NOT VOTING—2

Allard

Kennedy

The amendment (No. 278) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 283

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 283.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To Express the Sense of the Senate concerning recent provocation actions by the Peoples Republic of China and for other purposes)

At the appropriate place in the bill add the following new section:

SEC. .

(a) FINDINGS.—

(1) During most of last four years relations between the United States and the People's Republic of China have been relatively stable;

(2) The recently released 2004 State Department Country Report on Human Rights continues to characterize China's human rights as poor;

(3) Bilateral economic and trade relations are important components of the United States/Chinese relationship,

(4) China's growing international economic and political influence has implications for the United States competitive position and for maintaining a strong domestic industrial base;

(5) Taiwan remains an extremely sensitive and complex bilateral issue between the U.S. and the Peoples Republic of China;

(6) The U.S. decision to establish diplomatic relations with the People's Republic of China in 1979 was based upon the premise that the future of Taiwan would be deter-

mined solely by peaceful means and in a manner that was mutually satisfactory;

(7) The Taiwan Relations Act makes clear that peace and stability in the region are in the political, security and economic interests of the United States;

(8) The United States has consistently urged restraint by both China and Taiwan with respect to their actions and declarations; and

(9) The anti-succession law adopted by the Chinese National People's Congress on March 14, 2005 targeted at Taiwan's independence advocates was a provocative action which has altered the status quo in the region.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

1. China's anti-succession law is destabilizing to regional peace and stability, and is therefore of grave concern to the United States;

2. The United States Government should employ all diplomatic means to encourage the repeal of that law so the regional stability can be restored;

3. The United States Government should continue to speak out with respect to China's human rights practices and advocate the release from detention of all political and human rights activists;

4. The United States Government should more effectively promote United States economic and trade interests by insisting that the People's Republic of China lives up to its international trade obligations to respect and safeguard U.S. intellectual property rights and cease artificially pegging its currency exchange rates; and

5. The United States Government should undertake a comprehensive review of the implications of China's growing international economic and political influence that are by-products of its expanding network of trade agreements, its aggressive shipbuilding programs, its efforts to cement scientific and technological cooperation arrangements, and secure additional oil and gas contracts; and should determine what steps should be taken to safeguard the U.S. industrial base and maintain and enhance United States economic competitiveness and political interests.

Mr. DODD. Mr. President, it is not my intention to debate the amendment at this moment, but I wanted to get in the queue. I will defer any debate on the amendment until a later time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, we have been attempting to arrange for a vote on the Lugar amendment. Senator BIDEN would like to debate that amendment, as I understand it. It may be that an arrangement can be made for a conclusion of debate tonight and a vote certain tomorrow morning. But for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 284

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WYDEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. WYDEN, proposes an amendment numbered 284.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used for television broadcasting to Cuba)

On page 16, strike lines 13 through 21 and insert the following:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For “International Broadcasting Operations,” \$620,050,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements,” \$10,893,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(3) PROHIBITION ON TELEVISION BROADCASTING TO CUBA.—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1) or (2) may be used to provide television broadcasting to Cuba.

Mr. DORGAN. Mr. President, I visited with Senator LUGAR and Senator BIDEN and indicated, on behalf of myself and Senator WYDEN, I would offer the amendment. We would be prepared to discuss it in the morning, but we will be happy to have it set aside for other business on this legislation. I want to say also it is not our intention in any way to delay this legislation. It is a very important amendment to us and I think to the Senate. But when we come back tomorrow to spend some time talking about it, we will not necessarily take very much time, and we will hope for favorable consideration by the full Senate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, very briefly, I thank Senator LUGAR and Senator BIDEN, in particular, for working this arrangement out with Senator DORGAN and me. We think this is a waste of money. We are anxious to talk about it tomorrow after folks have had a chance, overnight, to look at it.

I thank the Presiding Officer for the chance to make these brief remarks.

Mr. LUGAR. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, it appears there are a couple of minutes be-

fore we move on. I will debate the amendment, along with my colleague, Senator WYDEN, more extensively in the morning. I will not take a lot of time. But as long as the floor was available, I wanted to indicate that the amendment we just laid down deals with TV Marti.

We fund broadcasts into Cuba on something called Radio Marti which are very effective. The Cuban people listen to Radio Marti. Of course, they can listen to Miami radio stations as well. But we also fund something called TV Marti, and we have done it for years. The Government of Cuba, of Fidel Castro, jams the signals. We have Fat Albert, an aerostat balloon up there thousands of feet in the air, and the American taxpayer is paying for a fancy studio down on the ground. And up through this cable to Fat Albert we actually send signals into Cuba, television signals that the Cuban people can't see. Traditionally, they have been broadcast from 3 to 8 in the morning, and they are systematically jammed.

We have been spending about \$10 to \$12 million a year, and we have been doing it for years. We have spent almost \$200 million doing it. Now the President wants to double the funding. There is something called waste, fraud, and abuse. I am not exactly sure where this fits, but it is one of the three. It fits with something else called stupidity.

We ought not continue to pay to send television signals to a country that can't receive them or television signals to people who can't see them because the Government is jamming them. Let me say that the Acting Director of the International Broadcasting Bureau, Mr. Brian Coniff, testified before the House Subcommittee on International Operations and Human Rights.

He said: Transmission to China has been consistently jammed by the Cuban Government. The American official said that. This transmission of television signals has been systematically jammed by the Cuban Government. We don't have any official evidence that the audience has increased due to broadcast schedule change. They did have some anecdotal evidence that just a smattering of Cubans would be able to spot the signal that we broadcast into Cuba. Before the Castro government caught the signal and jammed it, they would get a minute or two. So that is a sighting. That is a Cuban who was able to see the signal of TV Marti. They finally stopped measuring that because the audience was so miniscule as to be almost zero.

Finally their argument was, the same official says: TV Marti, though jammed, is well positioned to be an important instrument of U.S. foreign policy should a crisis occur on the island.

So there we are. We have big, old Fat Albert up there, an aerostat balloon sending signals to the Cuban people they can't see. We spend \$10, \$12 million a year on something we don't

have. And now the President says we should double that. And do you know how we are going to do it? A balloon isn't enough and a balloon causes problems because the balloon got off of its aerostat mooring and went over the Everglades, and we had people on grappling hooks and ladders trying to tame the balloon that was broadcasting signals into Cuba. So now they want to buy an airplane.

If this were a television show, it would be a comedy. Now they want to buy an airplane for \$8 million to send signals into Cuba that they can't receive. All of this would be funny were it not for the fact that this is paid for by American taxpayers. If ever there was a case of waste, fraud, and abuse in government spending, it is this.

It is not partisan. There is no Democratic waste or Republican waste. There is just plain old waste. It seems to me when you see something that doesn't work, isn't needed, shouldn't be done and doesn't function at all, maybe it is time for all of us to say: This we can get rid of.

This is not the largest amendment offered this year. It is roughly \$20, \$21 million. But it saves money; \$21 million is a lot of money in my hometown. It saves the taxpayers money and stops doing something that has always been completely ineffective.

We broadcast in Radio Marti. That is effective. The Cubans listen to it. They can listen to commercial stations from Miami for that matter. But Television Marti has never worked because the Castro government systematically jams it. So we send signals no one can receive.

This amendment, I hope, should be simple enough. I know there will be some who may have an apoplectic seizure about my offering this amendment because there are a couple of States where the Cuban vote is very important and there are some in the Cuban community who think we are doing something very important and very worthy if we send signals from this country that can't be seen by the Cuban people. That escapes some notion of mine that would represent logical thinking. But nonetheless there may be some who will feel that way.

We will have a broader discussion of this tomorrow. I support many of the broadcasting programs we have. Many have been very effective. But this is pure, solid, thoughtless waste. It is time for this Congress to take a stand to shut this spending down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator BIDEN

be recognized in order to offer a substitute amendment to the language proposed to be stricken; provided further that there be 30 minutes equally divided for debate this evening; provided further that at 10 a.m. tomorrow, the Senate proceed to a vote in relation to the Biden amendment, with no amendments in order to the Biden amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 286

Mr. BIDEN. Mr. President, I send an amendment to the Lugar amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 286 in lieu of the language proposed to be stricken by amendment No. 266.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a second degree amendment related to the United States share of assessment for United Nations Peacekeeping operations)

In lieu of the matter proposed to be stricken, insert the following:

"Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.1 percent."

Mr. BIDEN. Mr. President, I will be very brief. The amendment I have sent to the desk does a simple thing. It maintains the current cap on the amount that the United States contributes to the United Nations peacekeeping missions. It keeps it at 27.1 percent for the next 2 years.

For those who may be watching, they may wonder what that is all about. When a peacekeeping mission gets sent overseas, authorized by the United Nations, the countries in question have a prior assessment as to how much they are going to pay, usually based on the size of their countries and the size of their economies, and it has been agreed to by us that the appropriate figure for the United States to chip in is 27.1 percent. So if it costs \$1 million for peacekeeping, our share would be \$271,000, and so on.

Let me briefly explain the history of the law and what this does to the Lugar amendment.

In 1994, Congress unilaterally limited what we would pay for the peacekeeping endeavors of the United Nations. We said we will no longer pay any more than 25 percent. I believe at the time we were paying 31 percent. That is what the previous administrations had agreed to. That is what the

U.N. was assessing us, 31 percent. We said in 1994: No, no, we are not going to pay any more than 25 percent.

What happened was, we never negotiated that rate with the United Nations. We unilaterally stated that. We did not go back to the U.N. and say: Look, we want to reconfigure how much we are paying. We want to go down from 31 percent, which we had been paying, to 25 percent. It never occurred, and the U.N. continued to bill us at 31 percent. So if a peacekeeping mission was \$1 million—and none are as cheap as \$1 million—we were getting billed \$310,000 and we only agreed to pay \$250,000. So we were in arrears of \$60,000.

The bill that my former colleague Jesse Helms and I did in the late 1990s to clear up what the United States allegedly owed—everybody used to call it dues, but it was more than dues. This peacekeeping is part of what people euphemistically refer to as dues. The accumulated obligation that we owed to the United Nations, although somewhat in dispute, was a little over \$1 billion.

Senator Helms, and many others, when he was chairman of the committee, argued that we should not be paying any of this; we did not owe any of these arrears. Senator Helms, after conferring with his trusted aide who has passed away, the Staff Director for the Foreign Relations Committee, Admiral Bud Nance, when he realized a lot of this was owed to some of our friends such as Great Britain, Europe, and others, he said I did not realize that; OK, we should pay that amount we owe. But in the process Senator Helms, Senator LUGAR, myself, and many others also thought there should be reforms that should take place in the United Nations. In addition to settling this arrears question, we wrote a much larger bill that required some changes and commitments on the part of the United Nations as well. In the process of doing that, Senator Helms agreed and the Helms-Biden legislation said we would only pay at 25 percent.

The Ambassador to the United Nations at the time was Richard Holbrooke. Richard Holbrooke, who was in negotiation with the United Nations to try to get them to agree that we would only pay 25 percent and that they would agree with that beyond us unilaterally asserting it, worked out an agreement that said the United Nations agreed we would only pay 27 percent. I know what I am talking about sounds arcane, but it is real money. Senator Helms and I said: OK, close enough. And we agreed to amend the Helms-Biden law to let these arrearage payments flow.

What we never did was repeal the underlying law that was passed in the Congress, signed by the President in 1994, that said we would pay no more than 25 percent. The underlying law in 1994 was never repealed.

In 2002, because these arrearages are running up again, the difference be-

tween 25 percent and what the U.N. thought we owed and what we had been paying at the 27 percent, we put in a provision in the law, a 3-year amendment that amended the 1994 law putting a ceiling on our payments at 27, not 25, percent through the year 2004.

Last year, we came up against this issue again, and the Appropriations Committee, because we were unable to get our bill passed, extended the 27-percent number through calendar year 2005. So if nothing else is done now, the 1994 law kicks back in, and our maximum payment drops from 27 percent to 25 percent, and we are back in the same old tangle of building up arrearages of whatever the 2-percent difference would be every year that we thought we solved initially. So we need to address this issue. We do not want to get into this fight again.

The U.N. peacekeepers perform critical functions in the area of conflict and instability around the world. They monitor cease-fires, human rights conditions, clearing minefields, disarming combatants, providing humanitarian assistance, and organizing and observing elections, which all costs money.

The U.N. peacekeeping missions have become increasingly critical in the past year as authorizing missions that support U.S. policy objectives for stabilization in Burundi, Haiti, and other places, as well as an operation to Sudan which will begin to deploy in the upcoming weeks.

Through missions such as these, the United States contributes to international peace and stability while sharing the cost of doing so with other nations. Therefore, it is my view that we need to continue to pay our U.N. peacekeeping bill, the one negotiated by Holbrooke, particularly at this point in time when we are asking for and need U.N. cooperation on issues such as democracy building in Iraq, post-tsunami disaster relief in Indonesia, and other areas.

I remind my colleagues, and I am in no way being critical of my chairman, the bill we reported out of the Foreign Relations Committee corrected the problem. It said we are lifting the 25-percent cap passed in 1994, and we are doing it permanently. What the chairman of the committee is doing is introducing an amendment saying: I guess, on second thought, I do not like that idea very much. I want to now go back and amend what passed 18 to 0 and say we are going back to the 25-percent level.

I know that is complicated for all the Members, but the bottom line is my amendment does what the President's budget request proposed. I want to do it permanently, but the President said keep it at 27 percent for another 2 years. That is what the President requested. That is what I am attempting to amend the Lugar amendment with. If I prevail, the President's position prevails. We no longer go in arrearages, and we put off another 2 years reckoning with the underlying problem.

I see my colleague from Maryland is in the Chamber. With the permission of the Senator from Indiana, I would be happy to yield to him on this point. There is a time agreement. I do not know how much of my time I have used, but I am sure we could accommodate the Senator for the time he wants.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be brief. I rise in very strong support of the amendment offered by the distinguished Senator from Delaware. I do it out of respect for his past efforts in addressing this issue, along with Senator Helms. I have to confess that, at the time, I thought we should pay all of our arrearages without those conditions. We had a very difficult situation in the U.N., but in the end, the situation was negotiated out and an agreement was reached on the 27 percent. So as long as we pay that amount, we are not falling into arrears.

If we drop the 27 percent down to 25 percent, as I understand the amendment of the chairman of the committee would do, we immediately throw ourselves back into a situation where we start building up arrears. In effect, we end up going back on an agreement that was reached after very intense negotiations with the U.N., as I recall, led by Ambassador Holbrooke at the time.

Interestingly enough, the current administration, the Bush administration, as I understand it, is supportive of the position that the Senator from Delaware is offering with this amendment. This amendment is consistent with what the administration has sought in terms of extending the 27-percent cap.

Now, the bill as it came out of the committee extended that cap permanently. This amendment would extend it for 2 years. I understand that is the administration's position. Given all of that and the importance of this, I would hope that the chairman of the committee would find it within his reasonable judgment to accept this amendment. I do not think we ought to be having an intense division over this because it seems to me it makes extraordinarily good sense to do this amendment. Earlier, we imposed a unilateral cap. It did not work. We had very complicated relationships. We were able to work that out. We were able to pay off our arrears.

Our influence is going to be diminished in any international body if we are sitting at the table and our representative is in a position where the United States is in arrears to these very institutions that we helped to found and establish and to make a success over the years.

In fact, we are going to commemorate the 60th anniversary of the founding of the United Nations this year. So it seems to me that is a very sensible amendment. It does pull back a bit from what was in the committee-reported bill, from a permanent 27 percent cap to a 2-year extension, which

conforms to the administration's position. But to go down to 25 percent, as the underlying amendment proposes, would simply recreate all of the difficulties we previously encountered and previously went through.

In a sense, I appeal to the chairman of the committee to see the wisdom in the amendment offered by the Senator from Delaware as a very reasonable, positive, and constructive way in which to address this issue.

So I very much hope he will find it possible to accept the amendment of the Senator from Delaware as we proceed in trying to move this bill through the Senate.

Mr. BIDEN. Will the Senator yield briefly?

The PRESIDING OFFICER (Mr. THUNE). The time of the Senator from Delaware has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as the distinguished Senators from Delaware and Maryland pointed out, and certainly Senator BIDEN was very heavily involved in the Helms-Biden legislation of 1999, that legislation which came after considerable argument in the committee and in the Senate, perhaps in the country, about what our fair share ought to be, the Helms-Biden decision was that the U.S. share of peacekeeping duties would decline to 25 percent of the world total. That still remains the law and important goal of U.S. policy toward the United Nations, at least for many Senators.

Expression has been made tonight that perhaps our Nation ought to be more generous, and that could very well be the result of negotiations with the United Nations, but the intent, at least, of the amendment that I offered earlier in the day would strike section 401, which established a permanent cap of 27.1 percent. Senator BIDEN's substitute changes that permanent idea to a 2-year cap of 27.1 so that perhaps pragmatically there is some room and time to come to some agreement either up or down from that point.

I simply observe that this issue, long before Senator Helms and Senator BIDEN reached a bipartisan compromise in 1999, exercised strong feelings on both sides of the aisle. I appreciate very much the sentiment of the Senators who wish to preserve the 27.1 cap. As I pointed out earlier in the day, I believe that we ought to pay our dues.

Furthermore, I believe the United States has obligations of a humanitarian sort, quite apart from the pragmatic aspects of peacekeeping, which are important. Nevertheless, my hope had been that by in essence setting aside the issue out of this bill that we would give the U.S. negotiators the most leverage possible to obtain whatever our goals and objectives may be. I think there may be some ambivalence as to what those goals are. It may be ambivalence of a generous sort; namely, given all of the problems occurring

in the world, we may wish to take on more. On the other hand, I would observe, as certain other Senators have, that the United Nations is in the process now of a great deal of reform thinking.

The Secretary General, Kofi Annan, has suggested very substantial reforms. We are about to have a hearing on the nominee for our country's representative at the United Nations, John Bolton. I am certain many Senators on the committee will question Secretary Bolton on his ideas about reform and how he could be effective in bringing about a stronger United Nations and what the correct presence ought to be and what the correct leadership ought to be. Peacekeeping ought to be a part of that negotiation.

I would further observe that in the coming weeks Congress will have further opportunities to work with President Bush and his administration to craft the most effective means of reducing the U.S. share of assessments or increasing them, as may be our preference. I believe this is an issue in which further consultation with the executive branch is desirable.

For the moment, I appreciate that Senators will continue to have strong feelings about the United Nations generally, as well as our degree of participation financially and otherwise. That has been the nature of several debates over the years, and each time one of our authorization bills comes to the floor, this issue arises in one form or another. Nevertheless, I will oppose the Biden amendment with the recognition that, as a substitute, if it is adopted, it will be language that I hope at least goes to final passage of this legislation.

If the Senator's substitute is not adopted, then he has assured me that by voice vote we will adopt the amendment I offered earlier on and proceed on to other considerations.

I hope the Senate will adopt my point of view because I believe it offers more latitude for our administration and offers, perhaps, a more constructive avenue for reform of the United Nations and perhaps some leverage for both. In any event, I appreciate the sincerity of the debate, the importance of the issue, the recognition of the history of this debate over several years of time, and at least the resolve that tonight is the point at which I think we must make a decision.

Mr. BIDEN. I realize I have no more time. I ask unanimous consent for 2 additional minutes off the time of the Senator from Indiana.

Mr. LUGAR. I am happy to yield the Senator 2 minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, very briefly, necessarily, the administration has not asked for any latitude. The administration is quite clear. They came up and said there is nothing we are trying to negotiate on 27 percent for dues. They didn't ask for that. Speaking to the Secretary of State, I asked her

about Assistant Secretary Bolton, nominee for the United Nations post. She assured me he shares the administration's view. The administration's view was sent to me in writing. It said we ask you to extend for 2 more years at the 27-percent number. There may be negotiation in the future. But as recently as an hour ago—although this was not the subject matter, in my discussions with the Secretary of State—no reference was made by me to anyone in the administration that they were desirous of having a stronger negotiation in hand by keeping this at 25 percent.

So it may turn out to be that. The administration's statement says—this is Executive Office of the President, Office of Management and Budget, date April 5, 2005:

Section 401 makes permanent the 27.1 percent United Nations peacekeeping rate, which is not consistent with the Administration's request for a two year extension.

So they are asking for a 2-year extension. They didn't want to make it permanent, but they asked for 2 years. That is the only point I want to make.

Mr. SARBANES. What does the Senator's amendment do?

Mr. BIDEN. My amendment does exactly what the administration asks. I thank the Senator for the additional 2 minutes.

Parliamentary inquiry: Tomorrow the vote is set for 10, and I believe the Senator from Delaware will have 2 or 3 minutes before the vote?

I thank my colleague. I yield the floor. I see our friends are on the floor to debate another substantive issue, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I will conclude at least my portion of the debate by saying I recognize the Senator from Delaware does visit and works carefully with our administration. I appreciate that. I think it is important that America present as united a voice and face to the world as we can. I would just observe, pragmatically, that the administration in my judgment would like to have some latitude on an issue that has divided the Senate as well as the country for some time.

I don't think this is a monumental subject. I think it is one that, clearly, constructive people can resolve. My hope is we can simply strike the peacekeeping issue from the bill so that latitude is available for whatever reform, reconstruction, and debate the administration reformers may wish to have at the U.N. in the coming months.

Having said this, I appreciate Senators staying with this debate. We understand another will be on the way and there will be a short debate on this issue at 10 o'clock or thereabouts tomorrow, and then a vote on that issue before we retire to see the distinguished leader from Ukraine.

I yield back my time.

Mr. FEINGOLD. Mr. President, I wish to express my support for S. 600, the

State Department and Foreign Assistance Authorization bill. I commend Chairman LUGAR and Senator BIDEN for their efforts to make the authorizing role of the Senate Foreign Relations Committee real again, and to thank all of my colleagues on the committee for their hard work on this bill, which represents a strong bipartisan consensus in favor of energetic, engaged diplomacy.

I am especially pleased that this bill contains a number of provisions that I authored, including a provision emphasizing the importance of supporting press freedom in Ethiopia. Many of my colleagues may be aware of the Government of Ethiopia's recent troubling decision to expel representatives of the National Democratic Institute, the International Republican Institute, and the International Foundation for Election Systems from the country in the lead-up to the May elections. But I suspect fewer people know about the Ethiopian Government's well-established pattern of suppressing the independent press. According to the Committee to Protect Journalists, "in the run-up to 2005 elections, the ruling Ethiopian People's Revolutionary Democratic Front came under increasing criticism from local journalists and international media organizations for its antagonism toward the country's private press. Authorities continued to imprison journalists for their reporting and to intimidate others into silence on sensitive issues, such as government infighting and Ethiopia's tense relations with its neighbors. Throughout 2004, local journalists and international press freedom groups petitioned the Ethiopian government to revise a repressive press bill, with little success." The United States-Ethiopian relationship is an important and complex one. American support for a truly free press should be a part of it.

This bill also contains a provision I authored encouraging a more focused effort to combat impunity and build judicial capacity in the Democratic Republic of the Congo, Burundi, Rwanda, and Uganda. In the eastern part of the DRC, government troops and rebel fighters have raped tens of thousands of women and girls, but fewer than a dozen perpetrators have been prosecuted. The brutality of these crimes and the staggering scale of the problem, which has gripped the region for years without attracting adequate international attention, demand justice. Similarly, impunity for brutal crimes against civilians is the norm in Burundi. But if Burundi's peace process is to deliver lasting stability and bring an end to the horrifying violence that keeps families afraid to sleep in their homes at night, the international community must work to help create a strong and independent judiciary in the country. Rwanda continues to struggle with the backlog of serious cases relating to the 2004 genocide, and in Northern Uganda, civilians are too often trapped between the thugs of the Lords

Resistance Army and a military presence that has not proven able or willing to provide security or justice. These problems are moral outrages, but they are also destabilizing factors. Over the long run, reasserting the rule of law in Central Africa must be a part of ending the cycle of conflict in the region, and creating space for peaceful development.

This bill also contains authorizing language for the administration's Global Peace Operations Initiative based on language that I authored for the African Contingency Operations Training and Assistance program, or ACOTA, which is subsumed in the Global Peace Operations Initiative. This language will ensure that Congress and the administration have a shared set of understandings about the nature of this program and about criteria for participation as we move forward with this effort to strengthen global capacity to share the burden of difficult peacekeeping missions. By clearly stating that human rights standards and democratic governance are important factors in determining eligibility for participation, and by explicitly calling for outreach to civil society in participating countries, this language can help build confidence in this important program and avoid the mistakes of past military assistance initiatives.

I know that the administration and colleagues on both sides of the aisle share my conviction that the global fight against HIV/AIDS is one of the most important and urgent issues of our time. This bill contains an amendment that I offered that supports efforts to provide treatment to the millions infected with HIV, by requiring full transparency regarding the price of the HIV/AIDS drugs being purchased with U.S. assistance under the auspices of the President's Emergency Plan for AIDS Relief, or PEPFAR. Last year, the GAO found that PEPFAR is purchasing antiretroviral drugs that differ in price by as much as \$328 per person per year from corresponding generic drugs. Shining a light on what is being accomplished with US taxpayer dollars will help us all to determine if there are responsible ways to stretch those dollars further to save more lives. My provision does not require that any specific drugs—be they generic or brand name—be purchased. It simply requires reporting on what is purchased and on how much it costs. I have asked Ambassador Tobias in the past directly about his support for this kind of transparency, and he has assured me that he absolutely supports transparency. I firmly believe that this kind of transparency is in everyone's interest, protecting taxpayers and supporting AIDS relief efforts.

The bill also contains a provision I authored related to Indonesia. This provision simply requires the administration to report to Congress on the status of the ongoing investigation of the murder of American citizens that occurred on August 31, 2002 in Timika,

Indonesia, before releasing funds for certain military assistance programs for Indonesia in 2006. As my colleagues know, for the past two years Congress has supported language restricting Indonesia's access to certain, very narrowly defined types of military assistance, pending a determination that the Indonesian Government and military are fully cooperating with the FBI in the investigation of the murder of American citizens that occurred on August 31, 2002 in Timika, Indonesia. Secretary Rice has made such a determination for the current fiscal year, but this issue is by no means resolved. The FBI considers this an ongoing investigation, and the FBI has not exonerated anyone. A number of questions remain unanswered, and clearly other conspirators were involved.

Most importantly, I believe that resolution of this case means that efforts are made to hold those responsible for the ambush accountable for their actions in a court of law. But even the one individual indicted by the U.S. remains at large, and has been neither indicted nor arrested by Indonesian authorities. It is important to keep Congress apprised of ongoing cooperation in this ongoing investigation, as this case tells us a great deal about the context in which our bilateral relationship is moving forward. I look forward to receiving this report, and I certainly hope that it will contain positive news that will reinforce the United States-Indonesian bilateral relationship.

This bill also contains the text of several important measures that I have cosponsored and strongly support. The Global Pathogen Surveillance Act, which will help strengthen international capacity to cope with the threats of biological terrorism and infectious disease, has been turned into a title in this bill, and I commend Senator BIDEN for his excellent work on this issue. Similarly, the Protection of Vulnerable Populations during Humanitarian Emergencies Act is also reflected in this larger authorization bill. This provision will help place the U.S. Government on a firmer footing to address the special vulnerabilities of women and children confronted by humanitarian crisis. Once again, I commend Senators BIDEN and LUGAR for their efforts on this issue.

This bill is not perfect. Reflecting the administration's budget request, this bill cuts the Development Assistance, Child Survival, and International Organizations and Programs accounts in order to dramatically increase the budget of the Office of Transition Initiatives. But the administration acknowledges that OTI will not actually administer this new money. The reasoning behind this request is to give the administration more flexibility with four very different countries—Haiti, Sudan, Afghanistan, and Ethiopia. While I am sympathetic to the need for flexibility in these important countries, I am also alarmed at essentially putting the entire foreign aid

budget for these countries in an account that does not operate under the rules and restrictions that apply to other types of foreign assistance. I am also concerned about the likely consequences for OTI itself, which has never handled a budget of more than \$50 million and was always intended to be a small, highly flexible, very special entity. I urge my colleagues to consider these provisions carefully and to oppose this blank check approach to foreign assistance.

Overall this bill is a vitally important step toward placing the congressional role in foreign policy on a more serious footing. When we consider the stakes in world affairs; when we consider the potential for the developing world's vast youthful populations to grow into allies rather than resentful enemies, when we consider the potential for increased international cooperation in fighting terrorism, we can see that our constituents and future generations stand to gain a great deal from getting foreign policy right. At the very least, we need to start by taking these issues seriously, authorizing important activities and programs, and giving important initiatives the support they deserve.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senator as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 109th Congress: the Senator from Texas, Mr. CORNYN.

FRANK PERDUE

Ms. MIKULSKI. Mr. President, I want to acknowledge the passing of a great Marylander, Frank Perdue, Sr., who helped build the poultry industry on the Eastern Shore, a leading entrepreneur, a philanthropist. He passed away of Parkinson's disease a few days ago.

Born in Parsonburg, on the Eastern Shore of Maryland, Frank Perdue grew up working in his family's egg business—collecting and cleaning eggs from childhood. But Frank Perdue was determined to take the family business to another level—and it was his tremendous capacity for hard work that did just that. When Perdue said, "It takes a tough man to make a tender chicken," America listened, and Frank Perdue became both a savvy businessman and a cultural icon. Today Perdue Farms employs more than 20,000 people across America and has annual sales of about \$3 billion.

I am proud to work have worked with Frank Perdue—and now with his son Jim Perdue—to fight for fair trade policies that enable Maryland chicken producers to export around the world.

As Frank Perdue's business soared, he worked to bring Maryland with him. He became a great benefactor to Salisbury University, establishing the Perdue School of Business with a generous gift. Once a college baseball player and always a baseball fan, Frank Perdue brought the Delmarva Shorebirds to Salisbury in 1996, and then built the team and the Eastern Shore community a stadium. It is for both his business sense and his philanthropic heart that I salute him today.

Frank Perdue and I came from different ends of the political spectrum. Yet we both believed that the best social program is a job—and that we must give help to those who practice self-help. We joked that we should do an ad for a group we both support—we would say—we're two tough birds from the right wing and the left wing—but we both support this tender cause.

Today as we grieve the loss of one of Maryland's finest, Frank Perdue, we send our thoughts and prayers to his family and his many friends and colleagues.

HONORING OUR ARMED FORCES

STAFF SERGEANT SHANE KOELE

Mr. GRASSLEY. Mr. President, today I speak in remembrance of an Iowan who has died in service to his country. A member of the 212th Military Police Company, SSG Shane Koele died on the 16th of March from injuries sustained when his military vehicle ran over a land mine the day before near Shindand, Afghanistan. He was 25 years old and is survived by a wife, Cheryl, a young daughter, Kiley, a mother, Mary Donnenwerth, a father, Keith Koele, and two sisters.

Staff Sergeant Koele grew up in Hartley, IA, and graduated in 1998 from Hartley-Melvin-Sanborn High School. He attended college at Northwestern College and Wayne State before joining the Army. After serving in Iraq for 6 months in 2003, Shane returned home to get married. He was sent to Afghanistan on March 13, 2005.

SSG Shane Koele is remembered by family and friends as a true hero. President Ronald Reagan once said, "Those who say that we're in a time when there are no heroes, they just don't know where to look." Today, we don't have to look far. We have only to remember with pride SSG Shane Koele and all those who have died in courageous service to their country. As his family and friends grieve their loss, I can only offer my prayers and my gratitude.

CHILD LABOR

Mr. HARKIN. Mr. President, it is with extreme disappointment that I

come to the floor today. This week the New York Times ran a story detailing a recent agreement signed between Wal-Mart Stores and the Department of Labor. Wal-Mart was fined just over \$135,000 for 24 child labor violations that occurred in New Hampshire, Arkansas, and Connecticut. One of the most egregious violations involved a boy who injured his thumb while using a chain saw to cut Christmas trees. Others were operating cardboard balers and chain saws, which are illegal for anyone under the age of 18 to work on. The \$135,000 figure is a paltry figure that demonstrates DOL's lax enforcement policy. A \$135,000 penalty against a company the size of Wal-Mart has the same financial impact as a 40-cent penalty for a million-dollar company. DOL has sent American companies a message with this settlement: violators of child labor laws needn't worry about child labor, even if they are caught.

Beyond this minimal fining of Wal-Mart, the Labor Department recently released new regulations that place young workers at greater risk of serious injuries. The new regulations are the first since the May 2002 release of a report detailing dozens of deficiencies in our Nation's child labor laws. The report, published by NIOSH, recommended over 40 changes in child labor laws to better protect America's employed youth from dangerous jobs and equipment. Since the 2002 release, it is estimated that more than 600,000 child workers have been injured in the United States. Among the disappointments in the new regulations, fast food restaurants can now employ 14- and 15-year-olds to operate deep fryers and grills that are cooled to 100 degrees Fahrenheit. According to NIOSH, however, half of all burn injuries among child laborers occur in fast food restaurants. In another regulatory change, 16- and 17-year-olds are now allowed to load paper balers and compactors that meet specified safety standards. Since 1954, children under the age of 18 have been prohibited from any contact with these machines. As with cooking, compliance with this standard will require vigilance by employers who put youth in contact with these machines. Unfortunately, the Labor Department requires no specific training for young workers under these new regulations. Issuing regulations that sometimes allow exposure to certain machines, equipment, and hot surfaces, but not to others, is confusing both to workers and employers. It is bound to result in young workers being exposed to greater dangers. Additionally, young workers still work at dangerous heights, on tractors, in pesticide handling, and in exposure to lead and silica. These hazards and more are recognized in the NIOSH report but have yet to be addressed by the Labor Department.

Sadly, this is not the first instance of Wal-Mart employing dangerous and illegal child labor. In March 2000, the State of Maine fined the company

\$205,650 for violations of child labor laws in every one of its 20 stores in the State. In January 2004, a weeklong internal audit of 128 stores found 1,371 instances in which minors worked too late at night, during school hours, or for too many hours in a day. In the most recent fine levied against Wal-Mart, the average fine per violation is approximately just \$5,600. This is about half of DOL's maximum penalty of \$11,000 per violation. Wal-Mart banks \$285 billion in annual sales. This is not what one would classify a financial hardship.

The most disturbing part of Wal-Mart's settlement with the Labor Department is not even the small and insignificant fines, however. The distressing part of the agreement are the special favors handed out to Wal-Mart. The agreement, which was signed on January 6, was not even made public until now. It took a reporter to question officials about concerns raised by several DOL employees that the agreement gave Wal-Mart special favors. Those employees have remained anonymous, however, due to their fear of retaliation.

What special favors were given to Wal-Mart? First off, DOL promises to give the retailer 15 days' notice prior to any "wage and hour" investigation, like failure to pay minimum wage or overtime. As my colleagues will recall, I have tried for the past year to get the Department of Labor to reverse their damning new overtime provisions which stripped overtime pay benefits from thousands of American workers. This administration's Labor Department continues to stand opposed to respecting worker rights, child labor rights, and overtime rights. But Wal-Mart is really their perfect ally, since they do not allow their workers to unionize. DOL's cozying up to Wal-Mart is outrageous and completely unacceptable. By doling out these special privileges, worker rights in America are taking a giant leap backwards.

The degree to which the current administration has relaxed worker rights should not be seen in a partisan light. Elizabeth Dole, U.S. Secretary of Labor in the first President Bush administration, launched a crackdown amidst record levels of reported child labor law violations in America in 1990. She reminded all Americans that "the children of America are our future. The Department of Labor will do everything within its power to protect children against those who violate our child labor laws. The first step in this process is to reassess our fine structure and take immediate action to step up enforcement." This was the view of a previous Republican Department of Labor. Sadly, we have regressed.

According to John R. Fraser, who was our Government's top wage official under the first President Bush and President Clinton, said the advance-notice provision was unusual. Quoting Mr. Fraser from the New York Times article:

Giving the company 15 days' notice of any investigation is very unusual. The language appears to go beyond child labor allegations and cover all wage and hour allegations. It appears to put Wal-Mart in a privileged position that to my knowledge no other employer has.

And an anonymous DOL employee, who is a 20-year veteran of the Department's Wage and Hour Division, said "with child labor cases involving the use of hazardous machinery, why give 15 days' notice before we can do an investigation? What's the rationale?"

I don't know what the rationale is, Mr. President. There is no viable excuse for this agreement. It flies in the face of our labor laws. It seems more than coincidental that this Labor Department which has taken away overtime pay is now coming close to rewarding a corporation for doing the same. Is it mere coincidence also, then, that Wal-Mart gives more money to the Republican Party than any other corporation in America? Wal-Mart's political action committee, the biggest company PAC in America, gave Republicans 81 percent of its \$1.3 million in donations in the past 2 years, the highest proportion of any of the top 25 corporate PACs, according to PoliticalMoneyLine, a nonpartisan Washington-based group.

Wal-Mart's top three managers each gave the maximum individual contribution of \$2,000 to President Bush's campaign last year and Jay Allen, vice president for corporate affairs went one step further. He raised at least \$100,000 to reelect the President, earning him the Bush campaign's designation of "Pioneer." I bet he had to work some overtime to fit that into his busy schedule.

It is often said that money buys influence in Washington, DC. I certainly hope that is not the case here. I would hope that just because Wal-Mart gives so heavily to the Republican Party they are not given special favors by our Republican President. So Mr. President, I urge the Department of Labor to rethink this agreement. How can child labor be investigated if companies are given 2 weeks' advance notice? Of course they will clean up their act temporarily, but what is to stop them from again regressing into their illegal ways? Nothing. There is no incentive. This agreement was completely unwarranted and should be reversed at the earliest possible time.

NORTH CAROLINA TAR HEELS MEN'S BASKETBALL TEAM

Mrs. DOLE. Mr. President, I rise today to congratulate the University of North Carolina Tar Heels men's basketball team on their national championship. This is the fourth NCAA Division I title for this storied program and a well deserved finish to an amazing season.

Now, I know some of you are wondering . . . Yes, I am a Duke graduate and a Duke fan, and as you know, Duke

and North Carolina have one of the most legendary rivalries in the nation. That being said, I truly have been behind this team—I even wore Carolina blue to several events in North Carolina last week to show my support!

On Monday night, the Tar Heels defeated the Illinois Fighting Illini 75-70 in a remarkable display of teamwork and talent. Led by the performance of Raymond Felton and Sean May, the Tar Heels played strong basketball on both ends of the court. They were able to make critical baskets when the game was on the line and played tenacious defense that stifled their opponent. With this victory, this year's Tar Heel team has solidified its place in college basketball history alongside Carolina greats such as Michael Jordan and James Worthy.

Roy Williams, who returned to his home state and alma mater just two years ago, earned his first title and demonstrated once again why he is one of the best coaches in college basketball. Under his leadership, this group of talented young men developed into truly great players with heart and determination.

The Tar Heels' Sean May was named most outstanding player in the Final Four for his dominant scoring and rebounding. Sean finished an incredible season with 26 points and 10 rebounds against Illinois.

This year started with great expectations as the Tar Heels were picked as the pre-season #1 team by Sports Illustrated. However, in recent years, such impressive rankings were not always the case. Seniors on this Tar Heel team faced great adversity early in their careers as they fought to overcome a disappointing 8-20 season their freshman year. Still, these players were determined to work hard to become a better team. And did they ever. Just 4 years later, these young men completed an incredible turnaround and are now able to call themselves national champions.

Today is a proud day for Coach Williams, his terrific players and the state of North Carolina. College basketball is a special tradition for so many North Carolinians. It is a pastime shared from generation to generation and amongst neighbors and friends. It's what so many folks chat about at the grocery store, before class, over dinner, and after church. We are so proud of the North Carolina Tar Heels' accomplishments this season and delighted that they gave us yet another memory to talk about for years to come.

I yield the floor.

UNIVERSITY OF ILLINOIS MEN'S BASKETBALL SEASON

Mr. DURBIN. Mr. President, Monday night in Saint Louis a dream season came to an end. The University of Illinois was defeated for only the second time this season as they fell to the University of North Carolina Tar Heels. But as painful as the loss was, it does not detract from a remarkable season.

Head coach Bruce Weber and his Illini should know there is nothing to be disappointed about. As much as I would have enjoyed seeing the Illini conclude their remarkable run with an NCAA championship, there is no doubting what the Illini have accomplished. The team tied an NCAA record with 37 victories. They made the first championship game appearance in the school's 100-year basketball history. They won regular-season and conference tournament Big 10 championships and were ranked first overall in the Associated Press poll since early in the season.

If I could pick one word to describe the Illini this season, it would be "team." Rarely has a group of young men worked together as well as the Illini has. After Illinois defeated Louisville 72 to 57 on Saturday evening, Louisville head coach Rick Pitino said, "I don't know if they necessarily had the greatest talent I've seen from a Final Four, but they're the best team I've seen in some time."

The Illini are the ultimate team, and that is the ultimate compliment to coach Weber and his players.

Every man on the floor was capable of leading the team to victory, whether it was guards Dee Brown, Luther Head or Deron Williams, or forwards James Augustine or Roger Powell. Yet Illinois plays within head coach Bruce Weber's system and doesn't allow ego, personal statistical goals, or anything else to disrupt their teamwork.

Unfortunately, they came up short against North Carolina. But the State of Illinois is proud of their Illini. An orange hue has been cast across the State as Illinoisans got behind the team for their NCAA tournament run. So many people have enjoyed this tournament and they won't soon forget where they were when the Illini shocked Arizona, or when Roger Powell slam-dunked the rebound from his own three-point shot against Louisville.

I would like to congratulate B. Joseph White, who became the University's 16th president on January 31 of this year, and the administration, faculty, staff, student body, and fans of the University of Illinois on making it to the championship game of the 2005 NCAA tournament.

To the coaches, Illini players, and their families, thanks for the memories. Thanks for showing us what teamwork is all about.

HONORING ARLEN LANCASTER

Mr. CRAPO. Mr. President, I rise today to honor a longtime staff member who is moving onto a new and exciting work challenge. Arlen Lancaster has been a valued member of my staff since the start of my first term in the Senate in 1999. He is leaving my staff to become the Deputy Assistant Secretary for Congressional Relations at the U.S. Department of Agriculture.

Arlen joined my staff as a legislative correspondent and worked his way

through two promotions. He now serves as senior policy adviser, covering agriculture, conservation, rural development, energy and the Idaho National Laboratory, natural resources and public lands, defense as well as serving as the staff director of the Agriculture Subcommittee on Forestry, Conservation and Rural Revitalization. Arlen was instrumental in the work that I have done regarding the conservation title in the 2002 farm bill and shepherding the historic Healthy Forest Restoration Act through Congress.

While Arlen's family hails from the Burley area in my home State of Idaho, he lived in many areas due to his father's work with the U.S. Air Force. He attended high school and college in Utah, graduating with a political science degree from the University of Utah. He is definitely a Westerner at heart and his work for me has benefited many in Idaho.

On a personal note, Arlen was great to work with. He is decisive, insightful and innovative. His easy-going personality and sense of humor permeated all that he did in his public service for the people of Idaho and the United States. He provided a certain spark to my office. In fact, he sparked so much with another LA that they will be getting married this summer and Arlen and Staci have my best wishes for a long, happy life together.

I am excited by Arlen's new challenge at USDA and know he is well up to the task. Although I won't have the same opportunity to work with him on a daily basis, I look forward to our new working relationship and Arlen's continuing successes. His extensive knowledge of agriculture, natural resources and other policy issues will serve Arlen well in his new capacity.

ADDITIONAL STATEMENTS

LIEUTENANT COLONEL ANTONIO R. BAINES

• Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to an exceptional officer in the United States Army, Lieutenant Colonel Antonio R. Baines, upon his retirement after more than 20 years of distinguished service. Throughout his career, Colonel Baines has personified the Army values of duty, integrity, and selfless service across the many missions the Army provides in defense of our Nation. As a Congressional Legislative Liaison Officer in the office of the Secretary of the Army, many of us on Capitol Hill have enjoyed the opportunity to work with Lieutenant Colonel Baines on a wide variety of Army issues and programs, and it is my privilege to recognize his many accomplishments. I commend his superb service to the United States Army and this great Nation.

Lieutenant Colonel Antonio R. Baines, the son of Mr. Albert and Yolanda Baines of Jonesboro, GA, attended high school in Hephzibah, GA,

and was commissioned as a second lieutenant in the Signal Corps after graduating from North Georgia College in 1984. His first assignment was as the Battalion Signal Officer for the 6th Battalion, 37th Field Artillery, 2nd Infantry Division in Korea. He has served in multiple assignments within the United States, including two tours at Ft. Gordon, GA, and notably as the Signal Officer for 1st Squadron, 9th U.S. Cavalry Regiment at Fort Lewis, WA, and the 82nd Aviation Brigade, 82nd Airborne Division at Fort Bragg, NC. Lieutenant Colonel Baines served two tours in Europe as the Signal Officer for the 3rd Battalion, 34th Armor Regiment in Stuttgart, Germany, and deployed to South West Asia as part of Operations Desert Shield and Desert Storm. Later as the Assistant Division Signal Officer for the 1st Infantry Division in Wurzburg, he again deployed to Bosnia-Herzegovina. As a signaler, Lieutenant Colonel Baines excelled in a wide variety of leadership and staff assignments to include Platoon Leader, Battalion Adjutant, Company Commander, Brigade Adjutant and Battalion Executive Officer.

In 1999, Lieutenant Colonel Baines was selected to be a Force Development Officer with assignment to the Pentagon. He served on the G-3 and G-8 staff as the Army's Systems Integrator for all tactical radios systems. He was subsequently selected as a Congressional Legislative Liaison Officer in the office of the Secretary of the Army, Congressional Legislative Liaison, Programs Division from June 2001 through June 2005.

Lieutenant Colonel Baines maintained constant liaison with the Professional Staff Members of the Senate and House Armed Services Committees on issues relating to Army Procurement programs focusing on Army Research, Development, Test and Evaluation, Information Technology, and Ammunition Procurement. In 2003, Lieutenant Colonel Baines was selected to be the team chief of the hardware section of the Programs Division.

Throughout these assignments, Lieutenant Colonel Baines provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and Congress. Antonio's actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. On behalf of Congress and the United States of America, I thank Colonel Baines, his wife Peggy, and his entire family for the commitment, sacrifices, and contribution that they have made throughout his honorable military career. Congratulations on completing an exceptional and extremely successful career.●

TRIBUTE TO ADMIRAL CARLISLE A.H. TROST, U.S. NAVY, RETIRED

● Mr. WARNER. Mr. President, I rise today to pay tribute to ADM Carlisle

A.H. Trost, U.S. Navy, Retired, as he steps down after 17 faithful, diligent, and honorable years as the chairman of the board of directors of the George and Carol Olmsted Foundation of Falls Church, VA. In years past it was a privilege to have worked closely with both George Olmsted and Admiral Trost.

Admiral Trost, who ascended to the position of Chief of Naval Operations during his long and distinguished career as a naval officer, offered his services first as a director, then as chairman of the board, of the prestigious Olmsted Foundation. Demonstrating a vital understanding of this complex world, he led the foundation in its expanding role to educate young, talented, and dedicated military officers in learning foreign languages and in understanding foreign cultures through the awarding of scholarships to study overseas for 2 years. With our military deployed for wars in over 100 countries across the globe, the importance of having officers imbued with the cultural sensitivities and language capabilities provided by this special education is essential. Thanks to Admiral Trost's innate understanding of the importance of the training provided to Olmsted scholars and his visionary leadership, the number of scholars studying annually doubled and the foundation's endowment increased dramatically.

Admiral Trost also established the Tri-Service Academy Cadet and Midshipman Overseas Travel and Cultural Immersion Program at our three service academies in 2001. He later extended this important training and educational program to the three Service Reserve Officer Training Commands, ROTC, and the six senior military colleges, title 10 schools. Admiral Trost graduated from the Naval Academy in 1953, where he was first in his class of 925 midshipmen. He went on to become an Olmsted Scholar in 1960, studying in the German language at the University of Freiburg from 1960 to 1962. From there he had a most successful tour as a submarine officer, eventually commanding the blue crew of the nuclear-powered ballistic missile submarine, USS *Sam Rayburn*, SSBN 635.

As a young captain, he was selected by his superiors to serve as a naval aide to the Under Secretary and, later, Secretary of the Navy. It was my good fortune to have served in these positions and to have learned from this great teacher, peer, and life-long friend. Whether as a submarine group commander, a numbered fleet commander, Commander of the Atlantic Fleet, or as Chief of Naval Operations, Admiral Trost always served his country with honor and dignity.

Admiral Trost has provided outstanding leadership, advice, and sound professional judgment on many critical issues and at many key levels of decision making for both the Navy and the Nation. Indeed, his actions and wise counsel over the years have been of en-

during importance to the U.S. Congress. Though he is a modest man, he truly is an extraordinary individual and leader who has contributed so much to this country and the cause of freedom. He has been dedicated fully to mission accomplishment, education, leadership, and professionalism in the highest traditions of the American spirit.●

HONORING THIRTY YEARS FOR R.J. VIAL ELEMENTARY SCHOOL

● Ms. LANDRIEU. Mr. President, every session in Congress, we spend a large amount of time discussing education in this country. Debates range from accountability to school construction to teacher recruitment. While our discussions are of the utmost importance, it is the implementation of our decisions by individuals within the education system that changes how our children learn. Today, I honor an elementary school in Paradis, LA that has served as an example of a great school that is achieving the goals we set forth in these halls.

R.J. Vial Elementary School will turn 30 years old this Friday, April 8th. There will be festivities and celebrations for students, alumni, teachers, administrators, and parents. But I would like to take a minute to talk about the real celebration of this school. In the past 5 years, R.J. Vial Elementary School has steadily increased the number of students passing the LEAP 21 test in all four areas that the test covers. R.J. Vial is clearly meeting its mission of developing respectful, lifelong learners. That is what I would like to celebrate today in the United States Senate.

In the April 2005 Community Newsletter of R.J. Vial Elementary School, Principal Frederick A. Treuting wrote, "Our greatest and perhaps only truly effective discipline tool is a strong relationship that bonds us to our children." Principal Treuting could not be more correct. If we are to succeed in educating our children to the best of our ability, we must reach out to them and work to raise academic achievement in our public schools by putting the priority on performance instead of process, delivering results instead of developing rules, and on actively encouraging bold reform instead of passively tolerating failure.

At 510 Louisiana Street in Paradis, LA, R.J. Vial Elementary School is already doing these things and because of that, has become one of the finest schools in the state of Louisiana. There is no greater investment we can in our future than in the education of our children. I commend the hard work of all the people who have and currently work at and with R.J. Vial Elementary School; you are giving the best gift you can to our youth. It has been said that it takes a village to raise a child, so we must all work together to see that we educate our children to the best of our ability. And to the students, both past

and present, of R.J. Vial, I offer my congratulations. Because of your efforts in the classroom for the past thirty years, R.J. Vial Elementary School has become the beacon of success that it is today.

Happy Birthday, R.J. Vial Elementary School! My heartfelt congratulations to all involved with the school, and best wishes to another great 30 years.●

HONORING POPE JOHN PAUL II

● Mr. ALLARD. Mr. President, I was unable to be present for today's vote honoring His Holiness, Pope John Paul II. At the time of the vote, I was in Colorado attending my father-in-law's funeral service. Having been an original cosponsor of the resolution, I would have supported the measure if present.

As we mourn the passage of Pope John Paul II, we also pause to reflect on the many blessings his life bestowed upon the world. This great man was not only a defender of his faith, but of the weakest and most vulnerable among us. He will be remembered, without doubt, as one of the most significant and influential figures of the 20th Century. His influence transcended the Roman Catholic Church and has had an impact on everyone's relationship with the Creator. I humbly pay my respects and honor the legacy that he leaves behind.●

NICOLE WAYANT AND CORMAC O'CONNOR

● Mr. BROWNBACK. Mr. President, I congratulate and honor two young Kansas students who have achieved national recognition for exemplary volunteer service in their communities. Nicole Wayant of Topeka, KS, and Cormac O'Connor of Prairie Village, KS, have just been named State Honorees in The 2005 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each State, the District of Columbia, and Puerto Rico.

Ms. Wayant is being recognized for creating a youth health council to promote the benefits of an active, healthy lifestyle among the students in her school district.

Mr. O'Connor is being recognized for implementing an intergenerational arts program that brought senior citizens and at-risk children together for classes in visual arts, movements, theater and jazz.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Wayant and Mr.

O'Connor are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 10 years, the program has become the Nation's largest youth recognition effort based solely on community service, with more than 170,000 young people participating since its inception.

Ms. Wayant and Mr. O'Connor should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May, along with other 2005 Spirit of Community honorees from across the country, for several days of special events, including a congressional breakfast on Capitol Hill. While here in Washington, 10 will be named America's top youth volunteers of the year by a distinguished national selection committee.

I applaud Ms. Wayant and Mr. O'Connor for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I also salute the other young people in my State who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are Shawn Bryant of Leavenworth, KS; Brad Harris of Saint Paul, KS; Amanda Knox of Clifton, KS; and Creighton Olsen of Larned, KS.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world and they deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1454. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2004; to the Committee on Foreign Relations.

EC-1455. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the Taiwan Rela-

tions Act; to the Committee on Foreign Relations.

EC-1456. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-1457. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-1458. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report required under the Nuclear Non-Proliferation Act of 1978 relative to U.S. Government departments and agencies relating to the prevention of nuclear proliferation between January 1 and December 31, 2004; to the Committee on Foreign Relations.

EC-1459. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending December 31, 2003; to the Committee on Foreign Relations.

EC-1460. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1461. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1462. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Non-proliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1463. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Non-proliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1464. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Non-proliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1465. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1466. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1467. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1468. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1469. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1470. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1471. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1472. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1473. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1474. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1475. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1476. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1477. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1478. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1479. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1480. A communication from the Acting Assistant Secretary, Legislative Affairs, De-

partment of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1481. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1482. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1483. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1484. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1485. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1486. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Economic, Business and Agricultural Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1487. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Management, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1488. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Management, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1489. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Political Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1490. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Political Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC-1491. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Political Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 696. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Mr. INOUE):

S. 697. A bill to amend the Higher Education Act of 1965 to improve higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 698. A bill to suspend temporarily the duty on methacrylamido etheleneurac monomer; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 699. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 700. A bill to reduce temporarily the duty on potassium sorbate; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 701. A bill to reduce temporarily the duty on certain sorbic acid (hexadienic acid) (2,4-hexadienoic acid); to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. BUNNING, Mr. JOHNSON, Mr. TALENT, and Mr. CRAIG):

S. 702. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 703. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 704. A bill to authorize appropriations for fiscal year 2006 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries; to the Committee on Foreign Relations.

By Mr. SARBANES:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COLEMAN:

S. 706. A bill to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota; to the Committee on Indian Affairs.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. 707. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 708. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to information concerning the quality of care provided by

skilled nursing facilities and to provide incentives to skilled nursing facilities to improve the quality of care provided by those facilities by linking the amount of payment under the medicare program to quality reporting and performance requirements, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. REED, Mr. BURR, and Mr. DODD):

S. 709. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. LUGAR, and Mr. BINGAMAN):

S. 710. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Mr. STEVENS):

S. 711. A bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. LOTT, and Mr. COCHRAN):

S. 712. A bill to require a study and report regarding the designation of a new interstate route from Augusta, Georgia to Natchez, Mississippi; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. McCONNELL, Mr. DURBIN, Mr. SANTORUM, Ms. MIKULSKI, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU,

Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 95. A resolution relating to the death of the Holy Father, Pope John Paul II; considered and agreed to.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 96. A resolution commemorating the tenth anniversary of the attack on the Alfred P. Murrah Federal Building; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 35

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to extend the credit for production of electricity from wind.

S. 43

At the request of Mr. HAGEL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 43, a bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

S. 46

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 46, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 77

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 119

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 119, *supra*.

S. 147

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 186

At the request of Mr. ALLARD, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 186, a bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

S. 241

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 260

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 260, a bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 268

At the request of Mr. HARKIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 268, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 337

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor

of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 339

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 347

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 352

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 352, a bill to revise certain requirements for H-2B employers and require submission of information regarding H-2B non-immigrants, and for other purposes.

S. 357

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 357, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 394

At the request of Mr. LEAHY, the name of the Senator from Nebraska

(Mr. NELSON) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 403

At the request of Mr. ENSIGN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 424

At the request of Mr. BOND, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 432

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 445

At the request of Ms. STABENOW, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 445, a resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 484

At the request of Mr. WARNER, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Kentucky (Mr. BUNNING), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax

basis and to allow a deduction for TRICARE supplemental premiums.

S. 489

At the request of Mr. ALEXANDER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 492

At the request of Mr. FRIST, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 495

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 498

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 498, a bill to provide for expansion of electricity transmission networks in order to support competitive electricity markets, to ensure reliability of electric service, to modernize regulation and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 526

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 526, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 570

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 570, a bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 582

At the request of Mr. PRYOR, the names of the Senator from New York (Mrs. CLINTON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. CARPER), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. CORZINE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. DURBIN), the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. JEFFORDS), the Senator from North Carolina (Mrs. DOLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. SMITH), the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Missouri (Mr. TALENT), the Senator from Washington (Mrs. MURRAY), the Senator from Wyoming (Mr. THOMAS), the Senator from Illinois (Mr. OBAMA), the Senator from South Dakota (Mr. THUNE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Mr. VITTER), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 601

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 609

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients

receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions.

S. 626

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 626, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 643

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 643, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 663

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 663, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. RES. 83

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

AMENDMENT NO. 204

At the request of Mr. SMITH, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 696. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURNS. Mr. President, I rise today to introduce a bill to amend the Elementary and Secondary Education Act with regard to the transfer of students from certain schools. The No Child Left Behind Act of 2001 includes a requirement that schools not meeting adequate yearly progress—the AYP—for 2 consecutive years must provide transfer within the school district, and if no such schools exist, make efforts to provide transfers between school districts to the extent practical. This is the school choice provision. However, the current law's guidance on school choice does not adequately define practicality or feasibility, and where definitions are provided, they are overly broad.

We have just come off the Easter break. We had an opportunity to talk to a lot of educators and students. We return to our work starting today to make some significant—maybe not significant changes, but little changes to No Child Left Behind to make it more practical and make it more common sense in States such as Montana.

When we start looking at these maps, and as the President pro tempore leaves the Chamber, he understands what rural is when he looks at his State of Alaska. We are not nearly as big as Alaska. However, when we look at the State of Montana—and for those who wonder about distances and sizes, from the Yak, which is up in the northwest corner of the State, to Alzada in the southeast corner, it is farther than it is from Chicago to Washington, DC. So there is a pretty fair chunk of land out here, and we have young folks who go to school in just about every part of the State.

These are the elementary schools I am going to talk about as I speak on No Child Left Behind and the legislation I am introducing today.

The bottom line is No Child Left Behind is not a one-size-fits-all legislation. We have some of the greatest teachers there are in the country, and we have some of the brightest minds to teach. Accordingly, it is imperative that Congress continues to hear the needs and concerns of America's rural education communities.

Just to give my colleagues an idea, I had a little bit to do with the passage

and the shaping of the 1996 Telecommunications Act. In that bill, we had a piece included called broadband. Back in those days, most folks had not heard of the Internet, broadband, or digital. There were not very many of us around here who were even computer literate. We are getting better. We are getting a little younger.

I can remember when we put the broadband section in the bill, primarily to do two things in my State: distance learning, allowing these smaller schools in rural areas to access the Internet and classes to be taught via a two-way interact from another location so that their curriculum could be broadened, just like a school, say, located in Billings, Great Falls, Missoula. Just because someone was born way out here and went to school in Jordan, MT, where we have a county the size of Rhode Island—it only has 1,800 folks and only one high school. It used to be a boarding school. I do not think it is anymore. But it used to be when you took your student to school on Monday morning, you did not see them until Friday night after the football game was over. So we deal in a little bit different kind of environment and situation.

The Federal law must recognize the significant differences between urban and rural school districts with regard to student transportation, school spacing, and, of course, the school-of-choice options. Although No Child Left Behind leaves the State of Montana in control of determining the feasibility of transfers between different school districts, it is much less flexible when it comes to transfers within the same school district.

My legislation would add to existing guidelines on the practicality and the feasibility of school choice that a school district would not be required to provide a student with a transfer option to another school if providing the option is impractical due to the distance to be traveled, a geographical barrier or hazard, the duration of the travel, or an unusually high cost of travel. However, if choice is not offered under the latter circumstances, students in affected schools will still receive valuable supplemental education services, and school districts will still have the option to provide students school learning choices through distance learning programs or virtual schools or several other options offered under current law.

We are pretty sparse in eastern Montana. From Miles City to Jordan is about 90 miles. I was talking about Jordan a while ago up on the big dry creek. You heard me say I have a lot of dirt between light bulbs out there. Well, we have a lot of land between schools out there also, and school districts can be quite large. The centers of Billings, Great Falls, Missoula, the Flat Head, or even Bozeman are grouped pretty closely. In eastern Montana, however, they are far apart. We have elementary schools not even on

paved roads, still on gravel. I know one that is still on a mud road. If it rains real hard or during the spring thaw, they cannot get a car in there or a pickup truck or even a four-wheel drive vehicle, so they all ride horses, which is not a bad idea. It saves on gas, and as high as gas is, it probably isn't a bad idea at all. This is a map of the elementary schools to give an idea of where they are located way out there.

Now, I want to take a look at the high schools. There are not as many of them. What are you going to do if a school in Miles City is in need of improvement under the current law? Where are you going to send them? To Broadus? I don't think so. That is another 80 or 90 miles. Pretty soon the miles start adding up.

Right now the law requires the schools to pay for students to transfer them in the same district unless doing so is too expensive. In Montana, as with many rural schools in rural States, there are considerations greater than just cost. While the law makes sense in Billings, it does not work in districts where the schools are farther apart.

Take the Broadus County School District in southeastern Montana as an example. As we can see, there is a lot of distance between schools. There are not very many schools out there. These are high schools. These are not elementary schools but high schools. Some may take up to 2 hours one way to drive. It not only hurts the family life of the students, but it disrupts what they do and also has an adverse effect on their academic performance.

Sometimes this type of commute may be necessary. My legislation makes this decision a matter for rural States to decide instead of the politicians here in Washington, DC, or by a rule written into a law that just is unworkable in my State.

I realize No Child Left Behind had some built-in flexibilities, and I also realize that some States did not take advantage of some of those flexibilities. Now we are locked into a situation where it is almost impossible to change unless we change the legislation and reword it. My legislation simply clarifies what is feasible and practical for school choice transfers within school districts and gives the States, especially my State, the ability to treat schools in rural Broadus differently than it treats schools in more urbanized Billings, MT.

I would imagine the Senator from Florida who is new to this body and a terrific addition to this body has some rural areas in Florida. We think of Florida as more urbanized, but they have some rural areas too, just like Montana. That does not mean there are kids out there whose needs should not be addressed.

When we visit schools, we get all kinds of questions from the students. I was visiting a sixth-grade class the other day. They came up with all kinds of questions. Some of them were pretty

good, some were not so good. I did have one that was just a little bit different. This young man stood up in sixth grade, and he said: Senator, what do you want written on your tombstone? My gosh, I never had that question before, and I did not know exactly how to handle it, so I just told him: He's not here yet. That is the only way I could answer him.

These young people are very bright. They like their schools in these areas with distance learning. And we have telemedicine. We are delivering medical care much differently now. We are doing it with broadband services. We have 14 counties that do not have a doctor. It is done by physician assistants and many other people.

The other day a student from our part of the country enrolled at Montana State University at Billings. He had taken enough courses in his senior year in distance learning from MSUB that he has a full semester completed. So when he goes away to school, he already has half a year done.

This is why we have the Telecommunications Act. This is why we have the No Child Left Behind Act. We have to look at schools and libraries and some of the kinks we have to work out in that law so that these smaller schools and libraries can get their moneys so they can offer this online education. This is just another part of tweaking the No Child Left Behind law to make it work in rural areas.

I urge my Senate colleagues, especially those from rural States, to join me in cosponsoring this bill because it is very important. If we are really dedicated to the program of No Child Left Behind, we cannot leave rural children behind either, and we have to make it work.

Mr. BURNS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Schools Geography Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are significant differences between urban and rural school districts with regard to student transportation, distances between schools and school districts, and school of choice options. Local educational agencies (LEAs) in rural areas often have only 1 school servicing a particular grade-level, and the distance between these schools is often much greater than in urban areas. These differences are not addressed by existing guidelines under the Elementary and Secondary Education Act of 1965.

(2) In 2000, rural schools (those in communities with populations below 2,500) taught 32 percent of the children in the United States, but rural schools accounted for \$5,670,000,000 of the Nation's spending on school transportation, or nearly half of such spending.

(3) Rural transportation costs, per-pupil, are double that of urban transportation

costs. As a percentage of total spending, rural areas spend 77 percent more than urban areas for education transportation.

(4) Commutes in rural areas are much more likely to be on rougher, unpaved roads. This not only undermines the physical health of the students, but makes transportation during poor weather much more difficult or impossible. Students with longer commutes are more likely to miss school because of inclement weather. School attendance is an important factor in school performance.

(5) School students who have long commutes actively avoid advanced and high-level courses because they do not have time for the extra homework. This self-imposed restriction retards maximization of educational potential.

(6) Students with long commutes are less likely to engage in in-home and out-of-home activities, such as family dinners, after-school jobs, and athletic or musical extracurricular activities. Participation in these activities benefits overall educational progress.

(7) Section 1116(b)(10)(C) of the Elementary and Secondary Education Act of 1965 instructs that the lowest achieving children be given priority for out-of-district transportation. Thus, the negative impacts of long commutes disproportionately affect the very students who need the most help.

SEC. 3. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended by adding at the end the following:

“(i) **GEOGRAPHY LIMITS.**—Notwithstanding subsections (b) and (c), a local educational agency shall not be required to provide a student the option to transfer to another school pursuant to this section if providing the option is impractical due to the distance to be traveled, a geographical barrier or hazard, the duration of the travel, or an unusually high cost of travel.”.

SEC. 4. ADMINISTRATION.

The Secretary of Education, not later than 180 days after the date of enactment of this Act, shall promulgate such regulations as the Secretary determines necessary to implement this Act.

SEC. 5. EFFECTIVE DATE.

The amendment made by section 3 shall take effect on the first July 1 that occurs after the date of enactment of this Act.

By Mr. OBAMA (for himself and Mr. INOUE):

S. 697. A bill to amend the Higher Education Act of 1965 to improve higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today to introduce the Higher Education Opportunity Through Pell Grant Expansion Act of 2005, or HOPE Act.

Right now, in schools, playgrounds, and backyards across America, children are dreaming about what they want to be when they grow up. As tomorrow's astronauts, doctors, and teachers dream about their futures, their parents know that so many of those dreams are dependent on a college diploma.

The families I have met in Illinois are worried that they might not be able to give their kids a chance at that diploma. Everywhere I go, I hear the same story: we work hard, we pay our

bill, we cut corners, and we put away savings, but we just don't know if it is going to be enough when the tuition bill comes in the mail.

The facts and statistics are not encouraging. College tuition is rising at a stunning rate of almost 10 percent a year, and over the last 25 years it is gone up an astounding 519 percent. Because of these rising prices, over 200,000 students were priced out of a college education last year.

In a country with so much wealth and opportunity for education, it is difficult to imagine there are parents who are forced to say to their kids: “We're sorry. We can't afford to send you to college.” None of us in the Senate should rest until those parents can start saying “yes” to their kids.

This bill would start us down that path by increasing access to Pell grants. Today, these need-based awards are used by 5.3 million undergraduate students to fund their education. Unfortunately, the awards just haven't kept up with the rising price of tuition or even inflation. As a result, the current \$4,050 Pell grant maximum is \$700 less in real terms than the maximum grant 30 years ago. Pell grants now cover only 23 percent of the total cost of the average 4-year public college.

The HOPE Act would correct this problem by raising the Pell grant maximum to \$5,100, and it would continue to raise this maximum in future years to keep up with inflation. The bill also would make sure that no student sees a reduction in Pell grant assistance due to recent changes in the eligibility formula.

Because working families are already burdened with too many taxes, this bill would not add to the deficit or raise a dime of taxes. Instead, it will close two loopholes that guarantee banks and private lenders an additional \$2 billion in taxpayer subsidies every year on top of the interest that college students and their families are already paying on their loans. In a country where 200,000 students were priced out of college last year, our tax dollars shouldn't be spent subsidizing banks that are already making record profits.

When our children dream about their future, they need to know those dreams are within their reach. A college education forms the foundation of the opportunity society that will keep this country strong and growing in the 21st century. I know we can work together to get this done, and I look forward to doing so.

I urge my colleagues to support the HOPE Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Higher Education Opportunity Through Pell Grant Expansion Act”.

SEC. 2. SENSE OF THE SENATE.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Federal Pell Grants are need-based and are used by 5,300,000 undergraduate students to fund their college educations.

(2) Over 90 percent of Federal Pell Grant recipients come from a family with a combined income of less than \$40,000.

(3) Because of the rising cost of college tuition, the maximum Federal Pell Grant amount of \$4,050 for academic year 2004–2005 is \$700 less in real terms than the maximum Federal Pell Grant amount for academic year 1975–1976.

(4) Federal Pell Grants for academic year 2003–2004 cover only 23 percent of the total cost of the average 4-year public college.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) eligible undergraduate students should receive the maximum Federal Pell Grant amount established by the amendment made by section 3(b) of this Act; and

(2) sufficient funds should be appropriated to allow the awarding of the maximum Federal Pell Grant amount for which students are eligible pursuant to the amendment made by section 3(b) of this Act.

SEC. 3. FEDERAL PELL GRANTS.

(a) **APPROPRIATION OF FUNDS FOR FEDERAL PELL GRANTS.**—In addition to any amounts otherwise appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) for the fiscal year ending September 30, 2006, there are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, for carrying out such subpart 1, an additional \$2,000,000,000.

(b) **AUTHORIZATION AMOUNT AND MAXIMUM FEDERAL PELL GRANT.**—Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

“(2)(A)(i) The amount of a Federal Pell Grant for a student eligible under this part shall be \$5,100 for academic year 2005–2006, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

“(ii) The Secretary shall cumulatively adjust the amount in clause (i) every 2 academic years beginning with academic year 2006–2007 to account for any percentage increase in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

SEC. 4. ALLOWANCE FOR STATE AND OTHER TAXES.

Notwithstanding any other provision of law, the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2005–2006 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926), shall not apply to a student to the extent the updates will increase the student's expected family contribution under such part F.

SEC. 5. TERMINATION OF EXCESSIVE ALLOWANCES.

Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended by striking clause (v) and inserting the following:

“(v) This subparagraph shall not apply to—

“(I) any loan made or purchased after the date of enactment of the Higher Education Opportunity Through Pell Grant Expansion Act;

“(II) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under this subparagraph; or

“(III) any loan made or purchased before such date of enactment with funds described in the first or second sentence of clause (i) if—

“(aa) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

“(bb) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.”.

SEC. 6. WINDFALL PROFIT OFFSET.

Section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1) is further amended by adding at the end the following:

“(g) WINDFALL PROFIT OFFSET.—At the end of every fiscal quarter for which an eligible lender does not receive a special allowance payment under this section, the eligible lender shall pay to the Secretary of the Treasury for deposit into the Treasury as miscellaneous receipts a windfall profit offset payment for the fiscal quarter equal to the amount by which—

“(1) the aggregate amount of all payments of interest received by the eligible lender from borrowers on all loans made, insured, or guaranteed under this part during the fiscal quarter; exceeds

“(2) interest guaranteed the lender under this section for the fiscal quarter, irrespective of the amount received under subparagraph (A).”.

By Mr. BAUCUS (for himself, Mr. BUNNING, Mr. JOHNSON, Mr. TALENT, and Mr. CRAIG):

S. 702. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my colleagues Senators BUNNING, JOHNSON and TALENT today in introducing legislation that will repeal the special occupational tax on taxpayers who manufacture, distribute, and sell alcoholic beverages.

The special occupational tax is not a tax on alcoholic products, but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcohol beverages. Believe it or not, this tax was originally established to help finance the Civil War. That war is over, and this inequitable tax has outlived its original purpose. Repealing the SOT will also simplify the tax code for thousands of small businesses.

The SOT on alcohol dramatically increased during the budget process in 1988 and has unfairly burdened business owners across the country since. From Thompson Falls to Sidney, from Chinook to Billings, small businesses are burdened with yet another tax in the form of the SOT. According to the Alcohol and Tobacco, Tax and Trade Bureau, there are 426,193 locations nationwide that pay the SOT every year, including 399,657 retailers. These retail

establishments account for \$99 million out of \$103 million collected in SOT revenues.

In Montana, there are 2,969 locations which together pay nearly \$1 million in the SOT every year. Seasonal resorts in Whitefish and Yellowstone, “mom and pop” convenience stores in Butte, and bowling alleys, flower shops, and restaurants across Montana, and the United States, pay the Federal Government over \$100 million per year for the privilege of running businesses that sell beer, wine, or alcoholic beverages.

The SOT is extremely regressive. Retailers must annually pay \$250 per location; wholesalers pay \$500; vintners and distillers pay \$1,000. Because the SOT is levied on a per location basis, a sole proprietorship must pay the same amount as one of the nation’s largest retailers, and locally-owned chains having to pay per location, would have to pay as much as, if not more than, the nation’s largest single site brewery. This is not what Congress had in mind 150 years ago, and I don’t believe it’s a situation we want today.

Repealing the SOT on alcohol is supported by a broad-based group of business organizations and enjoys widespread bipartisan support on Capitol Hill. Last year, we made progress in ending this burdensome tax on small businesses. We repealed the tax for three years. More can be done. Business owners across the United States deserve assurance that they won’t be hit with this antiquated tax down the line.

The legislation preserves the TTB’s record-keeping requirements, while removing the agency’s enforcement burden, and will save over \$2 million per year. The GAO examined SOT efficacy several times, and found it fundamentally flawed. The Joint Committee on Taxation called for the elimination of SOT in its June 2001 simplification study.

More than 90 percent of all SOT revenue comes from retailers—a great majority of those are small businesses. Our small business sector is a great strength of our economy. President Bush has said that the best way to encourage job growth is to let small businesses keep more of their own money, so they can invest in their business and make it easier for somebody to find work. Repealing the SOT would provide an immediate and visible tax cut to small business owners.

In recent months, there has been much talk of tax reform inside the beltway. President Bush has made tax reform one of his key priorities and established a panel that will make recommendations to the Department of Treasury for a better tax system. Getting rid of a tax that has outlived its original purpose is one small step toward reform that makes sense for Montana and our country. We urge our colleagues to join us in this endeavor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of distilled spirits plants, bonded wine cellars, etc.).

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 of such Code is amended by striking “, on payment of a special tax per annum,”.

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 of such Code is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) The heading for part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 and the table of subparts for such part are amended to read as follows:

“PART II—MISCELLANEOUS PROVISIONS

“Subpart A. Manufacturers of stills.

“Subpart B. Nonbeverage domestic drawback claimants.

“Subpart C. Recordkeeping and registration by dealers.

“Subpart D. Other provisions.”.

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

“Part II. Miscellaneous provisions.”.

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking “and rate of tax” in the item relating to section 5111, as so redesignated.

(C) Section 5111 of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking “AND RATE OF TAX” in the section heading,

(ii) by striking the subsection heading for subsection (a), and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 of such Code is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

“Subpart C—Recordkeeping by Dealers

“Sec. 5121. Recordkeeping by wholesale dealers.

“Sec. 5122. Recordkeeping by retail dealers.

“Sec. 5123. Preservation and inspection of records, and entry of premises for inspection.”.

(5)(A) Section 5114 of such Code (relating to records) is moved to subpart C of such part

II and inserted after the table of sections for such subpart.

(B) Section 5114 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

“SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.”

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) WHOLESALE DEALERS.—For purposes of this part—

“(1) WHOLESALE DEALER IN LIQUORS.—The term ‘wholesale dealer in liquors’ means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

“(2) WHOLESALE DEALER IN BEER.—The term ‘wholesale dealer in beer’ means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

“(3) DEALER.—The term ‘dealer’ means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

“(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer.”

(C) Paragraph (3) of section 5121(d) of such Code, as so redesignated, is amended by striking “section 5146” and inserting “section 5123”.

(6)(A) Section 5124 of such Code (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 of such Code and inserted after section 5121.

(B) Section 5124 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

“SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.”

(ii) by striking “section 5146” in subsection (c) and inserting “section 5123”, and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) RETAIL DEALERS.—For purposes of this section—

“(1) RETAIL DEALER IN LIQUORS.—The term ‘retail dealer in liquors’ means any dealer (other than a retail dealer in beer or a limited retail dealer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

“(2) RETAIL DEALER IN BEER.—The term ‘retail dealer in beer’ means any dealer (other than a limited retail dealer) who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

“(3) LIMITED RETAIL DEALER.—The term ‘limited retail dealer’ means any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen’s organization making sales of distilled spirits, wine or beer on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, or any person making sales of distilled spirits, wine or beer to the members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or other similar outings, if such organization or person is not otherwise engaged in business as a dealer.

“(4) DEALER.—The term ‘dealer’ has the meaning given such term by section 5121(c)(3).”

(7) Section 5146 of such Code is moved to subpart C of part II of subchapter A of chap-

ter 51 of such Code, inserted after section 5122, and redesignated as section 5123.

(8) Subpart C of part II of subchapter A of chapter 51 of such Code, as amended by paragraph (7), is amended by adding at the end the following new section:

“SEC. 5124. REGISTRATION BY DEALERS.”

“Every dealer who is subject to the recordkeeping requirements under section 5121 or 5122 shall register with the Secretary such dealer’s name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.”

(9) Section 7012 of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) For provisions relating to registration by dealers in distilled spirits, wines, and beer, see section 5124.”

(10) Part II of subchapter A of chapter 51 of such Code is amended by inserting after subpart C the following new subpart:

“Subpart D—Other Provisions

“Sec. 5131. Packaging distilled spirits for industrial uses.

“Sec. 5132. Prohibited purchases by dealers.”

(11) Section 5116 of such Code is moved to subpart D of part II of subchapter A of chapter 51 of such Code, inserted after the table of sections, redesignated as section 5131, and amended by inserting “(as defined in section 5121(c))” after “dealer” in subsection (a).

(12) Subpart D of part II of subchapter A of chapter 51 of such Code is amended by adding at the end the following new section:

“SEC. 5132. PROHIBITED PURCHASES BY DEALERS.”

“(a) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits for resale from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

“(b) LIMITED RETAIL DEALERS.—A limited retail dealer may lawfully purchase distilled spirits for resale from a retail dealer in liquors.

“(c) PENALTY AND FORFEITURE.—

“For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302.”

(13) Subsection (b) of section 5002 of such Code is amended—

(A) by striking “section 5112(a)” and inserting “section 5121(c)(3)”,

(B) by striking “section 5112” and inserting “section 5121(c)”,

(C) by striking “section 5122” and inserting “section 5122(c)”,

(14) Subparagraph (A) of section 5010(c)(2) of such Code is amended by striking “section 5134” and inserting “section 5114”.

(15) Subsection (d) of section 5052 of such Code is amended to read as follows:

“(d) BREWER.—For purposes of this chapter, the term ‘brewer’ means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e).”

(16) The text of section 5182 of such Code is amended to read as follows:

“For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122.”

(17) Subsection (b) of section 5402 of such Code is amended by striking “section 5092” and inserting “section 5052(d)”.

(18) Section 5671 of such Code is amended by striking “or 5091”.

(19)(A) Part V of subchapter J of chapter 51 of such Code is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(20)(A) Sections 5142, 5143, and 5145 of such Code are moved to subchapter D of chapter 52 of such Code, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended by striking “this part” each place it appears and inserting “this subchapter”.

(B) Section 5732 of such Code, as redesignated by subparagraph (A), is amended by striking “(except the tax imposed by section 5131)” each place it appears.

(C) Paragraph (2) of section 5733(c) of such Code, as redesignated by subparagraph (A), is amended by striking “liquors” both places it appears and inserting “tobacco products and cigarette papers and tubes”.

(D) The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end the following:

“Sec. 5732. Payment of tax.

“Sec. 5733. Provisions relating to liability for occupational taxes.

“Sec. 5734. Application of State laws.”

(E) Section 5731 of such Code is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(21) Subsection (c) of section 6071 of such Code is amended by striking “section 5142” and inserting “section 5732”.

(22) Paragraph (1) of section 7652(g) of such Code is amended—

(A) by striking “subpart F” and inserting “subpart B”, and

(B) by striking “section 5131(a)” and inserting “section 5111”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2005, but shall not apply to taxes imposed for periods before such date.

By Mr. SARBANES:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today I am introducing legislation to establish an Interagency Council on Meeting the Housing and Service Needs of Seniors, which will help the Federal Government work with its partners to meet the growing housing and related needs of senior citizens around the country. The Interagency Council will work to better coordinate Federal programs so that seniors and their families can access the programs and the services necessary to allow them to age in place or find suitable housing alternatives.

It is important that we take note of the needs of this rapidly growing senior population. In 2000, the population over 65 years of age was 34.7 million. This number is expected to grow to over 50 million by 2020. By the year 2030, nearly one-fifth of the United States population will be above 65 years of age.

In recognition of the importance of this issue, in 1999 Congress established the Commission on Affordable Housing and Health Facility Needs for Seniors—“Seniors Commission”—to assess the Federal role in senior housing, health and supportive services. The Seniors

Commission made a number of significant findings. For example, the commission found that seniors require a wide array of housing options with access to services, including meal preparation, transportation, health care, and assistance with daily activities. According to the Seniors Commission, over 18 percent of senior citizens—over 5.8 million seniors—who do not reside in nursing facilities have difficulty performing their daily activities without assistance. Over a million of these seniors are severely impaired, requiring assistance with many of their basic tasks. Many other seniors, those that can perform their daily functions, still require access to health care, transportation and other services. Without enhanced housing opportunities, such as service-enriched housing or assisted living facilities, these seniors find it increasingly difficult to remain outside of nursing homes or other institutional settings. In fact, the Seniors Commission found that “many seniors across the income spectrum are at risk of institutionalization or neglect due to declining health and the loss or absence of support and timely interventions.” For many seniors, in-home care, service-enriched housing, retrofitted homes and apartments, and assisted living-type facilities are sorely needed so that seniors can access necessary services where they live.

While there are numerous Federal programs that assist seniors and their families in meeting these needs, they are fragmented across many government agencies, with little or no coordination. In fact, the Seniors Commission found that “the most striking characteristic of seniors’ housing and health care in this country is the disconnection of one field from another.” For example, housing assistance is available from the Department of Housing and Urban Development, the Department of Agriculture, and the Department of Veterans Affairs, while health care and supportive services are most likely accessed through various branches of the Department of Health and Human Services, such as the Centers for Medicaid and Medicare Services and the Administration on Aging, as well as through the Department of Transportation and the Department of Labor.

The Seniors Commission concluded that “the time has come for coordination among Federal and State agencies and administrators.” The legislation I am introducing today, the “Meeting the Housing and Service Needs of Seniors Act of 2005,” answers the commission’s call to action by implementing the recommendation for better federal coordination.

Through a high-level interagency council the Federal Government will take a simple, but critical, step in addressing this fragmentation. This Council will have a variety of functions. The council will review all Federal programs designed to assist seniors, identify gaps in services, make

recommendations about how to reduce duplication, identify best practices for relevant programs and services, and most importantly, work to improve the availability of housing and services for seniors. The council will also monitor, evaluate, and recommend improvements in existing programs and services that assist seniors in meeting their housing and service needs at the Federal, State, and local level, and will work to more effectively coordinate programs at the federal level, as well as at the state level, where many of the decisions regarding health and service needs are made. In addition, the council will be responsible for collecting and disseminating information, through a variety of means, about seniors and the programs and services relating to their needs. Through collaboration with the Federal Interagency Forum on Aging Statistics and the Census Bureau, the council will consolidate data on these needs and identify and address unmet data needs.

With improved collaboration and coordination among the Federal agencies and our State partners, we can ensure that seniors are better able to access housing and services. To ensure its effectiveness, the council will be comprised of top-level officials who oversee the programs which assist seniors in this country, including the Secretaries of the Department of Housing and Urban Development; the Department of Health and Human Services; the Department of Labor; the Department of Transportation; and the Department of Veterans Affairs; as well as the Commissioner of the Social Security Administration; the Administrator of the Centers for Medicare and Medicaid Services; and the Administrator of the Administration for the Aging.

This is a step we must take. It is essential that we make it easier for seniors and their families to access housing and supportive services together, so that when faced with difficult decisions, they do not have to navigate a confusing maze of programs and services, and work through multiple bureaucracies. We must also make it simpler for developers and providers to link housing and services so that greater supportive housing opportunities are available to the senior population. Through the Interagency Council, it is my hope that we will move toward a model of providing housing and services to seniors around the country.

If we are to successfully address these growing needs, it is clear that much work must be done. The establishment of an Interagency Council on Meeting the Housing and Service Needs of Seniors is a critical first step in this endeavor. I urge my colleagues to support this important legislation, and I ask unanimous consent that the text of the bill together with letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Meeting the Housing and Service Needs of Seniors Act of 2005”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The senior population (persons 65 or older) in this country is rapidly growing, and is expected to increase from 34,700,000 in 2000 to nearly 40,000,000 by 2010, and then will dramatically increase to over 50,000,000 by 2020.

(2) By 2020, the population of “older” seniors, those over age 85, is expected to double to 7,000,000, and then double again to 14,000,000 by 2040.

(3) As the senior population increases, so does the need for additional safe, decent, affordable, and suitable housing that meets their unique needs.

(4) Due to the health care, transportation, and service needs of seniors, issues of providing suitable and affordable housing opportunities differ significantly from the housing needs of other families.

(5) Seniors need access to a wide array of housing options, such as affordable assisted living, in-home care, supportive or service-enriched housing, and retrofitted homes and apartments to allow seniors to age in place and to avoid premature placement in institutional settings.

(6) While there are many programs in place to assist seniors in finding and affording suitable housing and accessing needed services, these programs are fragmented and spread across many agencies, making it difficult for seniors to access assistance or to receive comprehensive information.

(7) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that seniors can access government activities, programs, services, and benefits in an effective and efficient manner.

(8) Up to date, accurate, and accessible statistics on key characteristics of seniors, including conditions, behaviors, and needs, are required to accurately identify the housing and service needs of seniors.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term “housing” means any form of residence, including rental housing, homeownership, assisted living, group home, supportive housing arrangement, nursing facility, or any other physical location where a person can live.

(2) The term “service” includes transportation, health care, nursing assistance, meal, personal care and chore services, assistance with daily activities, mental health care, physical therapy, case management, and any other services needed by seniors to allow them to stay in their housing or find alternative housing that meets their needs.

(3) The term “program” includes any Federal or State program providing income support, health benefits or other benefits to seniors, housing assistance, mortgages, mortgage or loan insurance or guarantees, housing counseling, supportive services, assistance with daily activities, or other assistance for seniors.

(4) The term “Council” means the Interagency Council on Meeting the Housing and Service Needs of Seniors.

(5) The term “senior” means any individual 65 years of age or older.

SEC. 4. INTERAGENCY COUNCIL ON MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS.

(a) ESTABLISHMENT.—There is established in the executive branch an independent

council to be known as the Interagency Council on Meeting the Housing and Service Needs of Seniors.

(b) **OBJECTIVES.**—The objectives of the Council are as follows:

(1) To promote coordination and collaboration among the Federal departments and agencies involved with housing, health care, and service needs of seniors in order to better meet the needs of senior citizens.

(2) To identify the unique housing and service needs faced by seniors around the country and to recommend ways that the Federal Government, States, State and local governments, and others can better meet those needs, including how to ensure that seniors can find and afford housing that allows them to access health care, transportation, nursing assistance, and assistance with daily activities where they live or in their communities.

(3) To facilitate the aging in place of seniors, by identifying and making available the programs and services necessary to enable seniors to remain in their homes as they age.

(4) To improve coordination among the housing and service related programs and services of Federal agencies for seniors and to make recommendations about needed changes with an emphasis on—

(A) maximizing the impact of existing programs and services;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services; and

(C) making access to programs and services easier for seniors around the country.

(5) To increase the efficiency and effectiveness of existing housing and service related programs and services which serve seniors.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the housing and service needs of seniors are met in a more efficient manner.

(c) **MEMBERSHIP.**—The Council shall be composed of the following:

(1) The Secretary of Housing and Urban Development or a designee of the Secretary.

(2) The Secretary of Health and Human Services or a designee of the Secretary.

(3) The Secretary of Agriculture or a designee of the Secretary.

(4) The Secretary of Transportation or a designee of the Secretary.

(5) The Secretary of Labor or a designee of the Secretary.

(6) The Secretary of Veterans Affairs or a designee of the Secretary.

(7) The Secretary of the Treasury or a designee of the Secretary.

(8) The Commissioner of the Social Security Administration or a designee of the Commissioner.

(9) The Administrator of the Centers for Medicare and Medicaid Services or a designee of the Administrator.

(10) The Administrator of the Administration on Aging or a designee of the Administrator.

(11) The head (or designee) of any other Federal agency as the Council considers appropriate.

(12) State and local representatives knowledgeable about the needs of seniors as chosen by the Council members described in paragraphs (1) through (11).

(d) **CHAIRPERSON.**—The Chairperson of the Council shall alternate between the Secretary of Housing and Urban Development and the Secretary of Health and Human Services on an annual basis.

(e) **VICE CHAIR.**—Each year, the Council shall elect a Vice Chair from among its members.

(f) **MEETINGS.**—The Council shall meet at the call of its Chairperson or a majority of

its members at any time, and no less often than quarterly. The Council shall hold meetings with stakeholders and other interested parties at least twice a year, so that the opinions of such parties can be taken into account and so that outside groups can learn of the Council's activities and plans.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) **RELEVANT ACTIVITIES.**—In carrying out its objectives, the Council shall—

(1) review all Federal programs and services that assist seniors in finding, affording, and rehabilitating housing, including those that assist seniors in accessing health care, transportation, supportive services, and assistance with daily activities, where or close to where seniors live;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist seniors in meeting their housing and service needs and make any recommendations about how agencies can better work to house and serve seniors; and

(3) recommend ways—

(A) to reduce duplication among programs and services by Federal agencies that assist seniors in meeting their housing and service needs;

(B) to ensure collaboration among and within agencies in the provision and availability of programs and services so that seniors are able to easily access needed programs and services;

(C) to work with States to better provide housing and services to seniors by—

(i) holding individual meetings with State representatives;

(ii) providing ongoing technical assistance to States in better meeting the needs of seniors; and

(iii) working with States to designate State liaisons to the Council;

(D) to identify best practices for programs and services that assist seniors in meeting their housing and service needs, including model—

(i) programs linking housing and services;

(ii) financing products offered by government, quasi-government, and private sector entities;

(iii) land use, zoning, and regulatory practices; and

(iv) innovations in technology applications that give seniors access to information on available services;

(E) to collect and disseminate information about seniors and the programs and services available to them to ensure that seniors can access comprehensive information;

(F) to hold biannual meetings with stakeholders and other interested parties (or to hold open Council meetings) to receive input and ideas about how to best meet the housing and service needs of seniors;

(G) to maintain an updated website of policies, meetings, best practices, programs, services, and any other helpful information to keep people informed of the Council's activities; and

(H) to work with the Federal Interagency Forum on Aging Statistics, the Census Bureau, and member agencies to collect and maintain data relating to the housing and service needs of seniors so that all data can be accessed in one place and to identify and address unmet data needs.

(b) **REPORTS.**—

(1) **BY MEMBERS.**—Each year, the head of each agency that is a member of the Council shall prepare and transmit to the Council a report that describes—

(A) each program and service administered by the agency that serves seniors and the number of seniors served by each program or service, the resources available in each, as

well as a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by seniors;

(C) the efforts made by each agency to increase opportunities for seniors to find and afford housing that meet their needs, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by each agency relating to the housing and service needs of seniors.

(2) **BY THE COUNCIL.**—Each year, the Council shall prepare and transmit to the President, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Health, Education, Labor, and Pensions, the House Financial Services Committee, and the House Committee on Education and the Workforce a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of the problems faced by seniors in meeting their unique housing and service needs;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, and private organizations in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) **HEARINGS.**—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) **INFORMATION FROM AGENCIES.**—Agencies which are members of the Council shall provide all requested information and data to the Council as requested.

(c) **POSTAL SERVICES.**—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Council may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Council shall, without regard to civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel

as may be necessary to enable the Council to perform its duties.

(2) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing Urban Development and the Secretary of Health and Human Services shall provide the Council with such administrative and supportive services as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, \$1,500,000 for each of fiscal years 2005 through 2010.

ELDERLY HOUSING COALITION,

Washington, DC, April 5, 2005

Re support for Interagency Council on Housing and Service Needs of Seniors.

Hon. PAUL SARBANES,

Committee on Banking, Housing and Urban Affairs Committee, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Elderly Housing Coalition (EHC) is comprised of organizations that represent providers of affordable housing and supportive service for the elderly. We are writing in enthusiastic support of your legislation that would establish the Interagency Council on Housing and Service Needs of Seniors. This Council is desperately needed and will help federal, state and local governments better serve the housing and service needs of our elderly population.

According to the Congressional Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, we must integrate our current fragmented system of programs that seniors rely on to find the housing and services they need. As the number of seniors grows exponentially and will, in fact, have doubled by 2030, we must find a way to use our resources more effectively.

Your bill will be a great first step to bringing the key governmental agencies together to identify how they can best work to maximize program efficiency and streamline access. Again, we are pleased to offer our support for this legislation establishing an interagency council and thank you for your leadership on this issue.

If there is anything that the Elderly Housing Coalition can do to help or if you have any questions about the EHC please contact Nancy Libson or Alayna Waldrum at (202) 783-2242.

Sincerely,

Alliance for Retired Americans.

American Association of Homes and Services for the Aging.

American Association of Service Coordinators.

Association of Jewish Aging Services of North America.

B'nai B'rith International.

Catholic Charities USA.

Catholic Health Association of the United States.

Council of Large Public Housing Authorities.

Elderly Housing Development and Operations Corporation.

Kinship Caregiver Resources/Intergenerational Village Project.

Local Initiatives Support Corporation.

National Association of Housing, Cooperatives.

National Association of Housing and Redevelopment Officials.

National Housing Conference.

National Low Income Housing Coalition.

National PACE Association.

Stewards of Affordable Housing for the Future.

Volunteers of America.

AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING,

Washington, DC, April 5, 2005.

Re Interagency Council on Housing and Service Needs of Seniors Legislation.

Hon. PAUL SARBANES,

Committee on Banking, Housing and Urban Affairs Committee, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of AAHSA, I am writing to thank you for introducing legislation to establish an Interagency Council on Housing and Service Needs of Seniors. AAHSA members serve two million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. Our members offer the continuum of aging services: assisted living residences, continuing care retirement communities, nursing homes, senior housing facilities, and outreach services. AAHSA's mission is to create the future of aging services through quality the public can trust.

Half of our members own or operate federally subsidized senior apartment buildings and work collaboratively with home and community based service providers that operate programs governed by a maze of departmental regulations. This unique perspective gives us and our members a bird's eye view of how important it is for the various federal agencies to work together to ensure the best care in the most responsive and efficient manner possible.

In 2002 the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century reported to Congress that a top priority for the federal government should be integrating the existing fragmented system of programs that seniors rely on to piece together the housing and services they need. Time is precious—the United States is facing exponential growth in our senior population, which will double by 2030. AAHSA members have created a number of successful models for combining services and senior housing. Unfortunately these are limited and difficult to replicate because of the programmatic barriers. Now is the time to get the policymakers to the table to address

the barriers and opportunities that exist in our federal programs and how to make them work.

We know that this can be done. AAHSA strongly supports your bill, which will help the Executive branch and Federal agencies better coordinate the successful aging programs, as an important first step. Thank you for your leadership. If there is anything that AAHSA or my staff can do to support you, please do not hesitate to let me know. I can be reached at (202) 783-2242.

Sincerely,

LARRY MINNIX,
President and CEO.

AMERICAN ASSOCIATION OF
SERVICE COORDINATORS,
Columbus, OH, April 5, 2005.

Hon. PAUL SARBANES,
*U.S. Senator,
Washington, DC.*

DEAR SENATOR SARBANES: On behalf of the 1,600 members of the American Association of Service Coordinators (AASC), I want to express our support for your proposed legislation to establish an Interagency Council on Housing and Service Needs of Seniors. AASC believes that this bill is urgently needed to assist service coordinators and others seeking to bring together the various federal and other programs needed by older persons and other special populations.

In my testimony, before the Commission on Affordable Housing and Health Facility describing the present fragmented system, I stated that “even for long-time professionals, the current ‘crazy-quilt’ tapestry of services and shelter options makes it difficult to fully grasp their complexities, let alone try to access them. The results are confusion among consumers, duplication of service delivery, government agencies not knowing who supplies what service or that some services even exist, reduction in qualified service workers, regulations that impede dedicated service providers from providing the service they were hired and want to perform.”

One of AASC recommendations to the Commission was the establishment of a cabinet-level department that would encompass in one entity housing, health care and other federal support programs serving the elderly to better focus federal policy and regulatory efforts, in conjunction with states and communities. AASC believes that your bill is an important step to establish a permanent national platform to address many of the cross-cutting needs and issues confronting increasing numbers of frail and vulnerable older persons.

As you may know, AASC is a national, nonprofit organization representing professional service coordinators who serve low-income older persons and other special populations living in federally assisted and public housing facilities nationwide, their caregivers, and others in their local community. Our dedicated membership consists of service coordinators, case managers and social workers, housing managers and administrators, housing management companies, public housing authorities, state housing finance agencies, state and local area agencies on aging and a broad range of national and state organizations and professionals involved in affordable, service-enhanced housing. Background information on AASC is available on our website: www.servicercordinators.org.

We are grateful for your leadership on the vital issue. Please let me know how AASC

can assist you to expedite enactment of this important legislation.

Sincerely,

JANICE MONKS,
President.

ELDERLY HOUSING DEVELOPMENT &
OPERATIONS CORPORATION,
Fort Lauderdale, FL, April 5, 2005.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am pleased that Elderly Housing Development and Operations Corporation (EHDOC) representing over 40 senior housing facilities in 14 states, is joining with other non-profit organizations involved with federally assisted senior housing to strongly support your bill to establish an Interagency Council on Housing and Service Needs of Seniors. We believe that the establishment of this Interagency Council will provide a cost-effective and efficient means to promote coordination between the various federal agencies involved with senior housing and services, particularly HUD and HHS.

EHDOC is well aware of the need to improve collaboration between the various federal agencies based on our efforts to assist low-income, frail elderly in Council House in Suitland, MD. Unfortunately, it is often difficult to link the various services needed to enable many frail elderly to remain in their homes as they age due to the existing fragmentation of federal housing, services and health care policies and programs.

The difficulty experienced by EHDOC with linking housing and services is repeated by many nonprofit sponsors of federally assisted senior housing throughout the country. As you know, I was honored to serve as your appointee to the recent Commission on Affordable Housing and Health Care Facilities Needs of Older Persons. We repeatedly heard testimony from public and private agencies involved with senior housing, supportive services and health care, older persons and others, of their difficulties in bringing together these services to meet the needs of older persons.

As stated in the Senior Commissions' final report, "the very heart of this Commission's work is the recognition that the housing and service needs of seniors traditionally have been addressed in different 'worlds' that often fail to recognize or communicate with each other." Findings of the Commission concluded "while policymakers have struggled to be responsive to the needs of seniors, the very structure of Congressional committees and Federal agencies often makes it difficult to address complex needs in a comprehensive and coordinated fashion. For example: medical needs of seniors are addressed by Medicare and Medicaid; social service needs are addressed by Medicaid, the OAA, and other block grant programs; housing programs are administered by HUD and the Department of Agriculture's RHS; and transportation programs are administered by the U.S. Department of Transportation (DOT)."

We commend you for your leadership in addressing this critical need to effectively bring together the various federal agencies and others involved with affordable housing and service needs of older persons through the establishment of an Interagency Council on Senior Housing. Please let me if you have any questions or how EHDOC can assist you with the enactment of this important legislation.

Sincerely,

STEVE PROTULIS,
Executive Director.

NATIONAL PACE ASSOCIATION,

April 5, 2005.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National PACE Association (NPA), I want to express our support for your bill to establish an Interagency Council on Housing and Service Needs of Seniors. NPA believes that this legislation is essential to provide effective linkages between housing, health care and services, and that the proposed Interagency Council will facilitate an effective national forum to promote coordination among key federal agencies involved with these programs, particularly HUD, HHS, CMS, and DOT.

As you may know, NPA represents non-profit organizations in 21 states, including Hopkins ElderPlus in Baltimore that are providers of PACE—a Program of All-Inclusive Care for the Elderly. PACE programs coordinate and provide all needed preventive, primary, acute and long term care services so that older persons can continue living in the community. PACE serves individuals who are aged 55 or older, certified by their state to need nursing home care, are able to live safely in the community, and live in a state designated PACE service area. PACE provides a "one stop shop" for health and long-term care, and our members clearly understand through their extensive experience with the holistic needs of frail elderly, the interrelationship between housing, services, health and long-term care.

While housing is not a direct PACE benefit, our members have long recognized the importance of housing as a vital aspect of promoting wellness and quality of life for older persons. In fact, nearly all PACE programs nationwide serve enrollees who reside in public and federally assisted multifamily senior housing, and nearly one third of our members co-locate their PACE health care centers with senior housing or assisted living. Unfortunately, it is often difficult to link housing, services and health care due to conflicting funding streams, licensing, eligibility, and other factors.

Additional background information on PACE, NPA, and our members are available at our website: www.npaonline.org. Our members strongly support your bill and the prompt establishment of an Interagency Council on Senior Housing and Services. We are grateful for your leadership with this effort. Please let me know if you have any questions or how NPA can assist you with this effort to benefit low-income, frail elderly. I can be reached at 703-535-1567 or shawnbanpaonline.org.

Sincerely,

SHAWN BLOOM,
President and CEO.

By Mr. COLEMAN:

S. 706. A bill to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota; to the Committee on Indian Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prairie Island Land Conveyance Act of 2005".

SEC. 2. PRAIRIE ISLAND LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) LAND DESCRIPTION.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO-251, GO-252, GO-271, GO-277, GO-278, GO-284, GO-301 through GO-313, GO-314A, GO-314B, GO-329, GO-330A, GO-330B, GO-331A, GO-331B, GO-331C, GO-332, GO-333, GO-334, GO-335A, GO-335B, GO-336 through GO-338, GO-339A, GO-339B, GO-339C, GO-339D, GO-339E, GO-340A, GO-340B, GO-358, GO-359A, GO-359B, GO-359C, GO-359D, and GO-360, as depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

(c) BOUNDARY SURVEY.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) EASEMENT.—

(1) IN GENERAL.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) INCLUSIONS.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED UNAFFECTED.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural

resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

By Mr. ALEXANDER (for himself and Mr. DODD):

S. 707. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor and Pensions.

Mr. ALEXANDER. Mr. President, today I am reintroducing the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, or PREEMIE Act. This bipartisan bill expands research into the causes and prevention of prematurity, babies born 3 weeks or more early, and increases education and support services related to prematurity. I am pleased that Senator DODD is once again my partner on this legislation and we hope the Senate will pass the PREEMIE Act in this Congress.

In June 2004, the Subcommittee on Children and Families, which I chaired, held a hearing to learn about the problem of premature birth in the country. Tennessee has the fourth highest rate of premature birth in the country. Fourteen percent of Tennessee babies are born prematurely. In an average week in Tennessee, 210 babies are born prematurely. Premature infants are 14 times more likely to die in the first year of life. It is the No. 1 cause of infant death in the first month of life. Premature babies who survive may suffer lifelong consequences including: cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

In February 2004, the National Center for Health Statistics, NCHS, reported the first increase in the U.S. infant mortality rate since 1958, from 6.8 infant deaths per 1,000 live births in 2001 to 7.0 in 2000. This increase is extremely disturbing because the infant mortality rate is a measure of the health of society. NCHS subsequently reported that 61 percent of this increase in infant mortality was due to an increase in the birth of premature and low birthweight babies. Almost half the cases of premature birth have no known cause—any pregnant woman is at risk. We must address this issue.

Finally, this is a costly problem. In 2002, the estimated charges for hospital

stays for infants with a diagnosis of preterm birth or low birthweight, LBW, were \$15.5 billion. The average hospital charge per infant stay with a principal diagnosis of prematurity/LBW was \$79,000, with an average hospital stay of 24.2 days. Hospital charges for newborn stays without complications averaged \$1,500 in 2002, with an average hospital stay of 2.0 days. Employers carry much of the burden. Almost half of that \$15.5 billion was billed to employers or other private insurers, according to the March of Dimes. The other half is billed to Medicaid.

As a nation, we must address this problem. The PREEMIE Act calls for expanding Federal research related to preterm labor and delivery and increasing public and provider education and support services. It is supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the Association of Women's Health, Obstetric and Neonatal Nurses, and many others.

I hope my colleagues will join me in the fight to ensure a healthy start for all of American's children by cosponsoring and working with me for passage of the PREEMIE Act during this Congress.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act" or the "PREEMIE Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Premature birth is a serious and growing problem. The rate of preterm birth increased 27 percent between 1982 and 2002 (from 9.4 percent to 11.9 percent). In 2001, more than 480,000 babies were born prematurely in the United States.

(2) Preterm birth accounts for 24 percent of deaths in the first month of life.

(3) Premature infants are 14 times more likely to die in the first year of life.

(4) Premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

(5) Preterm and low birthweight birth is a significant financial burden in health care. The estimated charges for hospital stays for infants with any diagnosis of prematurity/low birthweight were \$15,500,000,000 in 2002. The average lifetime medical costs of a premature baby are conservatively estimated at \$500,000.

(6) The proportion of preterm infants born to African-American mothers (17.3 percent) was significantly higher compared to the rate of infants born to white mothers (10.6 percent). Prematurity or low birthweight is the leading cause of death for African-American infants.

(7) The cause of approximately half of all premature births is unknown.

(8) Women who smoke during pregnancy are twice as likely as nonsmokers to give

birth to a low birthweight baby. Babies born to smokers weigh, on average, 200 grams less than nonsmokers' babies.

(9) To reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, the development of treatments for prevention of preterm birth, and treatments improving outcomes for infants born preterm.

(b) PURPOSES.—It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF NIH RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following: "**SEC. 409J. EXPANSION AND COORDINATION OF RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND INFANT MORTALITY.**

"(a) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on the causes of preterm labor and delivery, infant mortality, and improving the care and treatment of preterm and low birthweight infants.

"(b) AUTHORIZATION OF RESEARCH NETWORKS.—There shall be established within the National Institutes of Health a Maternal-Fetal Medicine Units Network and a Neonatal Research Units Network. In complying with this subsection, the Director of NIH shall utilize existing networks.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009."

(b) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"(e) The Director of the Centers for Disease Control and Prevention shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality."

(c) STUDY ON ASSISTED REPRODUCTION TECHNOLOGIES.—Section 1004(c) of the Children's Health Act of 2000 (Public Law 106-310) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "and"; and

(3) by adding at the end the following:

"(4) consider the impact of assisted reproduction technologies on the mother's and children's health and development."

(d) STUDY ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct a study on the relationship between prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 year after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) **REVIEW OF PREGNANCY RISK ASSESSMENT MONITORING SURVEY.**—The Director of the Centers for Disease Control and Prevention shall conduct a review of the Pregnancy Risk Assessment Monitoring Survey to ensure that the Survey includes information relative to medical care and intervention received, in order to track pregnancy outcomes and reduce instances of preterm birth.

(f) **STUDY ON THE HEALTH AND ECONOMIC CONSEQUENCES OF PRETERM BIRTH.**—

(1) **IN GENERAL.**—The Director of the National Institutes of Health in conjunction with the Director of the Centers for Disease Control and Prevention shall enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study to define and address the health and economic consequences of preterm birth. In conducting the study, the Institute of Medicine shall—

(A) review and assess the epidemiology of premature birth and low birthweight, and the associated maternal and child health effects in the United States, with attention paid to categories of gestational age, plurality, maternal age, and racial or ethnic disparities;

(B) review and describe the spectrum of short and long-term disability and health-related quality of life associated with premature births and the impact on maternal health, health care and quality of life, family employment, caregiver issues, and other social and financial burdens;

(C) assess the direct and indirect costs associated with premature birth, including morbidity, disability, and mortality;

(D) identify gaps and provide recommendations for feasible systems of monitoring and assessing associated economic and quality of life burdens associated with prematurity;

(E) explore the implications of the burden of premature births for national health policy;

(F) identify community outreach models that are effective in decreasing prematurity rates in communities;

(G) consider options for addressing, as appropriate, the allocation of public funds to biomedical and behavioral research, the costs and benefits of preventive interventions, public health, and access to health care; and

(H) provide recommendations on best practices and interventions to prevent premature birth, as well as the most promising areas of research to further prevention efforts.

(2) **REPORT.**—Not later than 1 year after the date on which the contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the appropriate committees of Congress a report concerning the results of the study conducted under such paragraph.

(g) **EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.**—

(1) **IN GENERAL.**—The Administrator of the Health Resources and Services Administration shall conduct an assessment of the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known risk factors of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report

concerning the results of the evaluation conducted under paragraph (1).

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

“SEC. 3990. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

“(a) **IN GENERAL.**—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, shall conduct a demonstration project to improve the provision of information on prematurity to health professionals and other health care providers and the public.

“(b) **ACTIVITIES.**—Activities to be carried out under the demonstration project under subsection (a) shall include the establishment of programs—

“(1) to provide information and education to health professionals, other health care providers, and the public concerning—

“(A) the signs of preterm labor, updated as new research results become available;

“(B) the screening for and the treating of infections;

“(C) counseling on optimal weight and good nutrition, including folic acid;

“(D) smoking cessation education and counseling; and

“(E) stress management; and

“(2) to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight.

“(c) **REQUIREMENT.**—Any program or activity funded under this section shall be evidence-based.

“(d) **NICU FAMILY SUPPORT PROGRAMS.**—The Secretary shall conduct, through the awarding of grants to public and nonprofit private entities, projects to respond to the emotional and informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death. Activities under such projects may include providing books and videos to families that provide information about the neonatal intensive care unit experience, and providing direct services that provide emotional support within the neonatal intensive care unit setting.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.”

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATUREITY AND LOW BIRTHWEIGHT.

(a) **PURPOSE.**—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) **ESTABLISHMENT.**—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) **COMPOSITION.**—The Council shall be composed of members to be appointed by the Secretary, including representatives of—

(1) the agencies of the Department of Health and Human Services; and

(2) voluntary health care organizations, including grassroots advocacy organizations,

providers of specialty obstetrical and pediatric care, and researcher organizations.

(d) **ACTIVITIES.**—The Council shall—

(1) annually report to the Secretary of Health and Human Services on current Departmental activities relating to prematurity and low birthweight;

(2) plan and hold a conference on prematurity and low birthweight under the sponsorship of the Surgeon General;

(3) establish a consensus research plan for the Department of Health and Human Services on prematurity and low birthweight;

(4) report to the Secretary of Health and Human Services and the appropriate committees of Congress on recommendations derived from the conference held under paragraph (2) and on the status of Departmental research activities concerning prematurity and low birthweight;

(5) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(6) oversee the coordination of the implementation of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, such sums as may be necessary for each of fiscal years 2005 through 2009.

Mr. DODD. Mr. President, I rise today to join Senator ALEXANDER in reintroducing the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early (PREEMIE) Act—legislation intended to address the growing crisis of premature birth in our nation.

I think when many of us hear about a baby being born early, we don't give much thought to what it means. After all, it is not all that uncommon—I'm sure that almost all of my colleagues knows someone born prematurely. Thanks to modern medicine it is also not uncommon for a baby born early to end up healthy and happy.

But this feeling that prematurity is somehow “normal” or to be expected masks a growing health crisis. Prematurity has real consequences in health and economic terms. We need to bring to light this issue that affects some of the most vulnerable members of our society: newborn babies.

As a member of the Health, Education, Labor, and Pensions (HELP) Committee I, along with my colleagues, have devoted much time and effort to improving the health of our nation's children and infants. And yet despite our efforts, the problem of prematurity continues to persist and even grow. What is so striking about prematurity is how many parents face these enormous emotional and financial burdens. Nearly 1 out of every 8 babies in the United States is born prematurely—that's 1,300 babies each day, and over 470,000 each year (including more than 4,000 in my home state of Connecticut).

Despite all of the health care advances of the last decades, the problem of prematurity is not in any way abating. According to recent data released by the National Center for Health Statistics, in 2002 the infant mortality rate actually increased for the first time since 1958. Much of this increase is attributable to infant death in the

first month of life—of which prematurity is the leading cause. Since 1981, the premature birth rate has increased by 27 percent. This stands in stark contrast to some of the breath-taking medical discoveries of the past two decades. We can now treat and even cure many types of cancer, but we can't prevent babies from being born too soon.

Mr. President, the consequences of prematurity are devastating. As I mentioned earlier, it is the leading cause of neonatal death—a tragedy that no family should have to face. For those infants that survive, a lifetime of severe health problems is not uncommon. Prematurity has been linked to such long-term health problems as cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Premature babies have the deck stacked against them from the moment they are born. And even in the fortunate cases where there are no life-long health consequences, the experience of a premature birth takes an enormous emotional toll on a family.

Prematurity also carries a significant economic cost. According to a recent study conducted by the March of Dimes, hospitalizations due to prematurity cost a total of \$15.5 billion during the year 2002—accounting for nearly half of all hospital charges for infants in this country. And this number does not even include the cost of care for problems later in life resulting from a premature birth. Much of this cost falls on employers who are already bearing the weight of skyrocketing health care costs.

Given the emotional and economic toll that prematurity takes on this country, we know remarkably little about why it happens, and how it can be prevented. Some of the risk factors associated with preterm birth are known, including advanced age of the mother, smoking, and certain chronic diseases. But nearly 50 percent of all premature births have no known cause. And because we know so little about the causes of prematurity, we also do not know how to prevent it.

For such a large (and growing) problem, it is astounding how little we know. It is critical that we make a national commitment to solving this puzzle. We must do everything we can to expand research—both public and private—into the root causes of prematurity.

Senator ALEXANDER and I are introducing the PREEMIE Act for precisely this reason. Our bill would coordinate and expand research related to prematurity at the Federal level. It would also educate health care providers and the general public about the risks of prematurity, and measures that can be taken before and during pregnancy to prevent it. Pregnant mothers need to know the warning signs and symptoms of premature labor—and they need to know what to do if they begin to notice those signs.

Finally, because we will never eliminate prematurity completely, our leg-

islation would provide support services to families impacted by a premature birth. As we're investigating the causes of prematurity and increasing awareness in expectant parents, we need to reach out to the mothers and fathers across our country whose children are born too soon. We need to give them emotional support during the difficult days, weeks, and months that often follow a premature birth. We need to make sure that the doctors, nurses, and other hospital staff who care for premature babies are sensitive to the needs of their parents, their brothers, and their sisters. And we need to make sure that when the time finally comes to bring a premature baby home, parents have all the information they need to make that transition.

It is my hope that this legislation will complement and support some of the efforts going on in the private sector—such as the March of Dimes ambitious campaign to increase public awareness and reduce the rate of preterm birth. I urge all of my colleagues to join us in support of this important legislation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 708. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to information concerning the quality of care provided by skilled nursing facilities and to provide incentives to skilled nursing facilities to improve the quality of care provided by those facilities by linking the amount of payment under the medicare program to quality reporting and performance requirements, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Long Term Care Quality and Consumer Information Improvement Act of 2005. Medicare spending for skilled nursing facilities grew rapidly during the late 1980s and 1990s increasing from almost \$4 billion in 1992 to \$12.9 billion in 1997. While spending has increased under Medicare, there has not been an effort to reward skilled nursing facilities that have provided exceptional care to seniors.

The bill I am introducing today with my colleague from Oregon, Senator WYDEN, will establish a system to reward skilled nursing facilities that provide exceptional care. We should take steps to ensure that skilled nursing facilities that are providing the best care be rewarded. We must also create incentives for other facilities to strive to provide excellent care.

The Long Term Care Quality and Consumer Information Improvement Act of 2005 directs the Secretary of Health and Human Services to establish 10 to 15 quality measures for skilled nursing facilities. While establishing these measures, the Secretary must consult with residents of skilled nursing facilities, patient advocacy organizations, state regulatory representatives, representatives from the

skilled nursing facility industry and quality measure experts. The quality ratings for the facilities will then be published on the Centers for Medicare and Medicaid Services' website and published in newspapers with a national circulation.

The quality measures created by this bill will be used as an incentive for facilities to provide excellent care. Skilled nursing facilities that submit data shall receive a full market basket update and starting in fiscal year 2006 skilled nursing facilities that are in the top 10 percent of facilities will receive a 2 percent payment bonus. Skilled nursing facilities that are below the top 10 percent, but within the top 20 percent shall receive a one percent payment bonus.

The increased public disclosure of facility-specific quality data and the financial incentives included in this bill will spur competition and improved performance in skilled nursing facilities. I believe that we need to help the 77 million elderly and disabled Americans who are in nursing homes by making sure they receive the highest quality care possible.

Mr. President, I look forward to working with my fellow Senators and with the chairman of the Finance Committee on this important bill in the upcoming months, and I urge my colleagues to join us in support of this legislation.

Mr. WYDEN. Mr. President, I rise to discuss a bill I am introducing today, "The Long Term Care Quality and Consumer Information Act".

As we begin discussions on how to assure that we reward quality health care, I believe we need to include long term care as part of that discussion. Nursing homes sever some of the most vulnerable among us, and assuring quality of care is encouraged and rewarded is important. I hope that this bill will spark a serious debate about how we pay for quality care. This proposal establishes a voluntary system under which nursing homes providing better quality of care would receive higher payment and in turn would provide more information about the quality of care provided. Information would include nurse staffing ratios and would be made public to consumers and their families.

Historically, Americans have been paying the same for quality health care as for mediocre care. Efforts have been made by some in the private sector to better recognize and provide incentives for those providers who consistently provide a higher level of care. The Institute of Medicine in its report "Leading by Example," declared the government should take the lead in improving health care by giving financial rewards to hospitals and doctors who improve care for beneficiaries in six Federal programs, including Medicare and Medicaid and the Veterans Health Administration. The IOM report also said the government should collect and make available to the public data comparing

the quality of care among providers. The Centers for Medicare and Medicaid Services has begun pilot programs. I think nursing homes should also be an area in which we explore payment policies that regard those providing a higher quality of care.

I look forward to continuing the discussion with all stakeholders about these concepts so we can assure a high level of care and find ways to help providers improve the level of care they provide.

By Mr. DEWINE (for himself, Mr. REED, Mr. BURR, and Mr. DODD):

S. 709. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, today I rise with my colleague, Senator JACK REED, to reintroduce the Services for Ending Long-Term Homelessness Act. I would like to thank Senator REED for his support in introducing this bill and for his dedication and commitment to this issue. I also would like to thank Senator BURR for his work on this bill. Senator BURR introduced a similar version of this bill when he was a member of the House of Representatives. I appreciate his support and the support of Senator DODD, as well. Both are co-sponsors of this legislation.

The chronically homeless represent about 10 percent of the entire homeless population, but consume a majority of the services. There are approximately 200,000 to 250,000 people who experience chronic homelessness. Those numbers include the heads of families, as well.

Tragically, for these individuals, the periods of homelessness are measured in years—not weeks or months. They tend to have disabling health and behavioral health problems: 40 percent have substance abuse disorders, 25 percent have a physical disability, and 20 percent have serious mental illness. These factors often contribute to a person becoming homeless, in the first place, and are certainly an impediment to overcoming it.

The President has set a goal of ending chronic homelessness in 10 years. The President's New Freedom Commission on Mental Health, chaired by the Ohio Department of Mental Health Director, Mike Hogan, recommended that a comprehensive program be created to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. This recommendation is so important because affordable housing, alone, is not enough for this hard to reach group. And, temporary shelter-housing does not provide the stability and services needed to provide long-term positive outcomes. Only supportive housing, where the chronically homeless can receive shelter and services, such as mental health and substance abuse

treatment, has been effective in decreasing their chances of returning to the streets and increasing their chances for leading productive lives.

Not only is it right to help this group of hard to reach individuals, but it is also fiscally responsible. This group is one of the most expensive groups to serve. As I mentioned previously, they represent 10 percent of the overall homeless population, however, they consume a majority of homeless services. They consume the most emergency housing and health care services, which are also the most costly to provide. By encouraging supportive housing, we are providing the services necessary for these individuals and families to really get back on their feet. We can either continue to provide expensive emergency services to these needy people or we can give them the right kind of help—the type of help they need for their long-term well-being and the long-term well-being of our communities.

Unfortunately, current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be coordinated with housing programs. These programs also were not designed to meet the challenging needs of this specific subgroup of the homeless. That is why the bill we are introducing today would provide the authorization to fund services for supportive housing by providing grants which can be used with existing programs through HUD and state and local communities.

Our bill also would encourage those who provide services to the chronically homeless, such as SAMHSA within the Department of Health and Human Services, to work with and coordinate their efforts with those who provide the physical housing, such as HUD. Under the current administration, these two departments have started to truly coordinate their efforts, and this bill would encourage and support that continued collaboration.

This is a good bill, Mr. President, and it could make a real difference in the lives of so many individuals in need. I ask my colleagues to join us in support.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Services for Ending Long-Term Homelessness Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nationally, there are approximately 200,000 to 250,000 people who experience chronic homelessness, including some families with children. Chronically homeless people often live in shelters or on the streets for

years at a time, experience repeated episodes of homelessness without achieving housing stability, or cycle between homelessness, jails, mental health facilities, and hospitals.

(2) The President's New Freedom Commission on Mental Health recommended the development and implementation of a comprehensive plan designed to facilitate access to 150,000 units of permanent supportive housing for consumers and families who are chronically homeless. The Commission found that affordable housing alone is insufficient for many people with severe mental illness, and that flexible, mobile, individualized support services are also necessary to support and sustain consumers in their housing.

(3) Congress and the President have set a goal of ending chronic homelessness in 10 years.

(4) Permanent supportive housing is a proven and cost effective solution to chronic homelessness. A recent study by the University of Pennsylvania found that each unit of supportive housing for homeless people with mental illness in New York City resulted in public savings of \$16,281 per year in systems of care such as mental health, human services, health care, veterans' affairs, and corrections.

(5) Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet the multiple needs of people who are chronically homeless.

SEC. 3. DUTIES OF ADMINISTRATOR OF SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) in paragraph (17), by striking “and” at the end;

(2) in paragraph (18), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(19) collaborate with Federal departments and programs that are part of the President's Interagency Council on Homelessness, particularly the Department of Housing and Urban Development, the Department of Labor, and the Department of Veterans Affairs, and with other agencies within the Department of Health and Human Services, particularly the Health Resources and Services Administration, the Administration on Children and Families, and the Centers for Medicare and Medicaid Services, to design national strategies for providing services in supportive housing that will assist in ending chronic homelessness and to implement programs that address chronic homelessness.”.

SEC. 4. GRANTS FOR SERVICES FOR CHRONICALLY HOMELESS INDIVIDUALS IN SUPPORTIVE HOUSING.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

“PART J—GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS

“SEC. 596. GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS.

“(a) IN GENERAL.—

“(1) GRANTS.—The Secretary shall make grants to entities described in paragraph (2) for the purpose of carrying out projects to provide the services described in subsection (d) to chronically homeless individuals in permanent supportive housing.

“(2) ELIGIBLE ENTITIES.—For purposes of paragraph (1), an entity described in this paragraph is—

“(A) a State or political subdivision of a State, an Indian tribe or tribal organization, or a public or nonprofit private entity, including a community-based provider of

homelessness services, health care, housing, or other services important to individuals experiencing chronic homelessness; or

“(B) a consortium composed of entities described in subparagraph (A), which consortium includes a public or nonprofit private entity that serves as the lead applicant and has responsibility for coordinating the activities of the consortium.

“(b) PRIORITIES.—In making grants under subsection (a), the Secretary shall give priority to applicants demonstrating that the applicants—

“(1) target funds to individuals or families who—

“(A) have been homeless for longer periods of time or have experienced more episodes of homelessness than are required to meet the definition of chronic homelessness under this section;

“(B) have high rates of utilization of emergency public systems of care; or

“(C) have a history of interactions with law enforcement and the criminal justice system;

“(2) have greater funding commitments from State or local government agencies responsible for overseeing mental health treatment, substance abuse treatment, medical care, and employment (including commitments to provide Federal funds in accordance with subsection (e)(2)(B)(ii));

“(3) will provide for an increase in the number of units of permanent supportive housing that would serve chronically homeless individuals in the community as a result of an award of a grant under subsection (a); and

“(4) have demonstrated experience providing services to address the mental health and substance abuse problems of chronically homeless individuals living in permanent supportive housing settings.

“(c) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that consideration is given to geographic distribution (such as urban and rural areas) in the awarding of grants under subsection (a).

“(d) SERVICES.—The services referred to in subsection (a) are the following:

“(1) Services provided by the grantee or by qualified subcontractors that promote recovery and self-sufficiency and address barriers to housing stability, including but not limited to the following:

“(A) Mental health services, including treatment and recovery support services.

“(B) Substance abuse treatment and recovery support services, including counseling, treatment planning, recovery coaching, and relapse prevention.

“(C) Integrated, coordinated treatment and recovery support services for co-occurring disorders.

“(D) Health education, including referrals for medical and dental care.

“(E) Services designed to help individuals make progress toward self-sufficiency and recovery, including benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions.

“(F) Parental skills and family support.

“(G) Case management.

“(H) Other supportive services that promote an end to chronic homelessness.

“(I) Coordination or partnership with other agencies, programs, or mainstream benefits to maximize the availability of services and resources to meet the needs of chronically homeless persons living in supportive housing using cost-effective approaches that avoid duplication.

“(J) Data collection and measuring performance outcomes as specified in subsection (k).

“(2) Services, as described in paragraph (1), that are delivered to individuals and families

who are chronically homeless and who are scheduled to become residents of permanent supportive housing within 90 days pending the location or development of an appropriate unit of housing.

“(3) For individuals and families who are otherwise eligible, and who have voluntarily chosen to seek other housing opportunities after a period of tenancy in supportive housing, services, as described in paragraph (1), that are delivered, for a period of 90 days after exiting permanent supportive housing or until the individuals have transitioned to comprehensive services adequate to meet their current needs, provided that the purpose of the services is to support the individuals in their choice to transition into housing that is responsive to their individual needs and preferences.

“(e) MATCHING FUNDS.—

“(1) IN GENERAL.—A condition for the receipt of a grant under subsection (a) is that, with respect to the cost of the project to be carried out by an applicant pursuant to such subsection, the applicant agree as follows:

“(A) In the case of the initial grant pursuant to subsection (j)(1)(A), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than \$1 for each \$3 of Federal funds provided in the grant.

“(B) In the case of a renewal grant pursuant to subsection (j)(1)(B), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than \$1 for each \$1 of Federal funds provided in the grant.

“(2) SOURCE OF CONTRIBUTION.—For purposes of paragraph (1), contributions made by an applicant are in accordance with this paragraph if made as follows:

“(A) The contribution is made from funds of the applicant or from donations from public or private entities.

“(B) Of the contribution—

“(i) not less than 80 percent is from non-Federal funds; and

“(ii) not more than 20 percent is from Federal funds provided under programs that—

“(I) are not expressly directed at services for homeless individuals, but whose purposes are broad enough to include the provision of a service or services described in subsection (d) as authorized expenditures under such program; and

“(II) do not prohibit Federal funds under the program from being used to provide a contribution that is required as a condition for obtaining Federal funds.

“(3) DETERMINATION OF AMOUNT CONTRIBUTED.—Contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of non-Federal contributions required in paragraph (2)(B)(i).

“(f) ADMINISTRATIVE EXPENSES.—A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant. Expenses for data collection and measuring performance outcomes as specified in subsection (k) shall not be considered as administrative expenses subject to the limitation in this subsection.

“(g) CERTAIN USES OF FUNDS.—Notwithstanding other provisions of this section, a grantee under subsection (a) may expend not more than 20 percent of the grant to provide the services described in subsection (d) to

homeless individuals who are not chronically homeless.

“(h) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(i) CERTAIN REQUIREMENTS.—A condition for the receipt of a grant under subsection (a) is that the applicant involved demonstrate the following:

“(1) The applicant and all direct providers of services have the experience, infrastructure, and expertise needed to ensure the quality and effectiveness of services, which may be demonstrated by any of the following:

“(A) Compliance with all local, city, county, or State requirements for licensing, accreditation, or certification (if any) which are applicable to the proposed project.

“(B) A minimum of two years experience providing comparable services that do not require licensing, accreditation, or certification.

“(C) Certification as a Medicaid service provider, including health care for the homeless programs and community health centers.

“(D) An executed agreement with a relevant State or local government agency that will provide oversight over the mental health, substance abuse, or other services that will be delivered by the project.

“(2) There is a mechanism for determining whether residents are chronically homeless. Such a mechanism may rely on local data systems or records of shelter admission. If there are no sources of data regarding the duration or number of homeless episodes, or if such data are unreliable for the purposes of this subsection, an applicant must demonstrate that the project will implement appropriate procedures, taking into consideration the capacity of local homeless service providers to document episodes of homelessness and the challenges of engaging persons who have been chronically homeless, to verify that an individual or family meets the definition for being chronically homeless under this section.

“(3) The applicant participates in a local, regional, or statewide homeless management information system.

“(j) DURATION OF INITIAL AND RENEWAL GRANTS; ADDITIONAL PROVISIONS REGARDING RENEWAL GRANTS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the period during which payments are made to a grantee under subsection (a) shall be in accordance with the following:

“(A) In the case of the initial grant, the period of payments shall be not less than three years and not more than five years.

“(B) In the case of a subsequent grant (referred to in this subsection as a ‘renewal grant’), the period of payments shall be not more than five years.

“(2) ANNUAL APPROVAL; AVAILABILITY OF APPROPRIATIONS; NUMBER OF GRANTS.—The provision of payments under an initial or renewal grant is subject to annual approval by the Secretary of the payments and to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under subsection (a) that may be made to an entity.

“(3) ADDITIONAL PROVISIONS REGARDING RENEWAL GRANTS.—

“(A) COMPLIANCE WITH MINIMUM STANDARDS.—A renewal grant may be made by the Secretary only if the Secretary determines that the applicant involved has, in the

project carried out with the grant, maintained compliance with minimum standards for quality and successful outcomes for housing retention, as determined by the Secretary.

“(B) AMOUNT.—The maximum amount of a renewal grant under this subsection shall not exceed an amount equal to—

“(i) 75 percent of the amount of Federal funds provided in the final year of the initial grant period; or

“(ii) 50 percent of the total costs of sustaining the program funded under the grant at the level provided for in the year preceding the year for which the renewal grant is being awarded;

as determined by the Secretary.

“(k) STRATEGIC PERFORMANCE OUTCOMES AND REPORTS.—

“(1) IN GENERAL.—The Secretary shall, as a condition of the receipt of grants under subsection (a), require grantees to provide data regarding the performance outcomes of the projects carried out under the grants. Consistent with the requirements and procedures established by the Secretary, each grantee shall measure and report specific performance outcomes related to the long-term goals of increasing stability within the community for people who have been chronically homeless, and decreasing the recurrence of periods of homelessness.

“(2) PERFORMANCE OUTCOMES.—The performance outcomes described under paragraph (1) shall include, with respect to individuals who have been chronically homeless—

“(A) improvements in housing stability;

“(B) improvements in employment and education;

“(C) reductions in problems related to substance abuse;

“(D) reductions in problems related to mental health disorders; and

“(E) other areas as the Secretary determines appropriate.

“(3) COORDINATION AND CONSISTENCY WITH OTHER HOMELESS ASSISTANCE PROGRAMS.—

“(A) PROCEDURES.—In establishing strategic performance outcomes and reporting requirements under paragraph (1), the Secretary shall develop and implement procedures that minimize the costs and burdens to grantees and program participants, and that are practical, streamlined, and designed for consistency with the requirements of the homeless assistance programs administered by the Secretary of Housing and Urban Development.

“(B) APPLICANT COORDINATION.—Applicants under this section shall coordinate with community stakeholders, including participants in the local homeless management information system, concerning the development of systems to measure performance outcomes and with the Secretary for assistance with data collection and measurements activities.

“(4) REPORT.—A grantee shall submit an annual report to the Secretary that—

“(A) identifies the grantee's progress towards achieving its strategic performance outcomes; and

“(B) describes other activities conducted by the grantee to increase the participation, housing stability, and other improvements in outcomes for individuals who have been chronically homeless.

“(1) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, directly or through awards of grants or contracts to public or nonprofit private entities, shall provide training and technical assistance regarding the planning, development, and provision of services in projects under subsection (a).

“(m) BIENNIAL REPORTS TO CONGRESS.—Not later than two years after the date of the en-

actment of the Services for Ending Long-Term Homelessness Act, and biennially thereafter, the Secretary shall submit to the Congress a report on projects under subsection (a) that includes a summary of information received by the Secretary under subsection (k), and that describes the impact of the program under subsection (a) as part of a comprehensive strategy for ending long term homelessness and improving outcomes for individuals with mental illness and substance abuse problems.

“(n) DEFINITIONS.—For purposes of this section:

“(1) The term ‘chronically homeless’ means an individual or family who—

“(A) is currently homeless;

“(B) has been homeless continuously for at least one year or has been homeless on at least four separate occasions in the last three years; and

“(C) has an adult head of household with a disabling condition, defined as a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.

“(2) The term ‘disabling condition’ means a condition that limits an individual's ability to work or perform one or more activities of daily living.

“(3) The term ‘homeless’ means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

“(4)(A) The term ‘permanent supportive housing’ means permanent, affordable housing with flexible support services that are available and designed to help the tenants stay housed and build the necessary skills to live as independently as possible. Such term does not include housing that is time-limited. Supportive housing offers residents assistance in reaching their full potential, which may include opportunities to secure other housing that meets their needs and preferences, based on individual choice instead of the requirements of time-limited transitional programs. Under this section, permanent affordable housing includes but is not limited to permanent housing funded or assisted through title IV of the McKinney-Vento Homeless Assistance Act and section (8) of the United States Housing Act of 1937.

“(B) For purposes of subparagraph (A), the term ‘affordable’ means within the financial means of individuals who are extremely low income, as defined by the Secretary of Housing and Urban Development.

“(o) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

“(2) ALLOCATION FOR TRAINING AND TECHNICAL ASSISTANCE.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 3 percent for carrying out subsection (1).”

Mr. REED. Mr. President, I join with my colleagues, Senators DEWINE, DODD and BURR to introduce the Services for Ending Long-Term Homelessness Act, (SELHA).

It is estimated that two to three million Americans experience a period of homelessness in a given year. While the majority of these individuals find themselves homeless for a brief period of time, a growing segment are experiencing prolonged periods of homelessness. Roughly 200,000 to 250,000 Americans fall under the category of chronically homeless.

In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report from a work group and an interagency subcommittee that was assembled to define the issues and challenges facing the chronically homeless and develop a comprehensive approach to bringing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

Similarly, the President's New Freedom Commission on Mental Health recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. However, affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness through improved service delivery and coordination across Federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration to coordinate their efforts not only with the Department of Housing and Urban Development, but with other Federal departments and the various agencies within the Department of Health and Human Services that provide supportive services.

Mr. President, SELHA is an important bipartisan measure which will help to ensure that the growing number of Americans experiencing chronic homelessness have access to the range of supportive services they need to get them back on their feet, living in permanent supportive housing and taking the steps necessary to become productive and active members of our communities again.

I look forward to working with my colleagues toward expeditious passage of this legislation.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Mr. STEVENS):

S. 711. A bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce a bill to reauthorize a critical program for our energy future. It is widely believed that the U.S. must diversify its energy portfolio and explore new domestic sources and technologies for energy to curb our dependence on foreign oil. As a senior member of the Committee on Energy and Natural Resources, I know we have

been assessing the potential for a variety of energy sources for the future including natural gas, clean coal technology, nuclear energy, renewable energy, and others. This bill, the Methane Hydrate Research and Development Reauthorization Act of 2005, will reauthorize a small but important program on methane hydrate research and development, a key and abundant non-conventional source of energy.

I would like to extend my appreciation to my cosponsors, Senators MURKOWSKI and STEVENS, who share my interest and determination in exploring the potential of methane hydrates for energy production. We share a common goal to see that we fully understand the prospects for this domestic energy resource. This new legislation will foster the research and development needed to expand our knowledge to better assess both the opportunities and challenges this potential energy resource presents. Our legislation provides for a higher level of scientific research and partnering between government agencies, academic institutions, and industry.

The United States and the world will require substantially increased quantities of natural gas, electricity, and transportation fuels over the next 20 years. Global competition for tightening supplies of oil and natural gas with emerging economies such as China and India will drive energy prices higher, and makes it apparent that the United States needs to capitalize upon its domestic energy resources. The United States must continue to diversify and expand the Nation's access to natural gas supplies through continuing research and development efforts in technologies for tapping non-conventional natural gas supplies, such as methane hydrates.

Methane hydrates were discovered in the 1960s and consist of methane gas trapped in lattice-like ice. They are found largely in ocean bottom sediments lying below 450 meters and in permafrost. There are several published estimates of the total amount of methane stored in gas hydrates worldwide. These estimates vary. However, it is widely believed that there is more energy potentially stored in methane hydrates than in all other known fossil fuel reserves, combined. The National Commission on Energy Policy's December 2004 report, *Ending the Energy Stalemate—A Bipartisan Strategy To Meet America's Energy Challenges*, estimated that the United States could possess one quarter of the world's supply of methane hydrates.

The United States will consume increasing volumes of natural gas well into the 21st century. United States natural gas consumption is expected to increase from approximately 22 trillion cubic feet in 2003 to more than 32 trillion cubic feet in 2020—a projected increase of 40 percent. Natural gas is expected to take on a greater role in power generation, largely because of the increasing demand for clean fuels

and the relatively low capital costs of building new natural gas-fired power equipment. The National Commission on Energy Policy reported that the United States resource base may contain up to two hundred thousand trillion cubic feet of methane, onshore in the Alaskan permafrost, and offshore on much of the Nation's deep continental shelf. If even one percent of the estimated domestic resource base proves commercially viable, it would roughly double the Nation's technically recoverable natural gas reserves, according to the Department of Energy's Office of Fossil Energy.

Given the growing demand for natural gas, the development of new, cost-effective supplies can play a major role in moderating price increases and ensuring consumer confidence in the long-term availability of reliable, affordable fuel. Today, the potential to extract commercially-relevant quantities of natural gas from hydrates is not yet viable. With no incentive to fund its own research and development, the private sector is not vigorously pursuing the research currently needed that could make methane hydrates technically and economically viable. Therefore, cooperation between the federal government and private industry remains the best effort in which the United States can explore the viability of an energy resource whose long-range possibilities might one day dramatically change the world's energy portfolio.

Uncertainties exist regarding the nature of these deposits and, in particular, how best to extract the enormous quantity of natural gas they contain in an economic and environmentally sensitive manner. However, some alternatives are worse. For example, transporting natural gas from foreign gas fields to the United States by shipping it in liquid form at negative 162 degrees Celsius is an expensive undertaking and one that is attractive to terrorists. Methane hydrates, on the other hand, can be found domestically, in Alaska and the Gulf of Mexico, and with our ally to the north, Canada. Hydrates are likely to provide commercially-viable natural gas supplies by 2025. Their long term potential to meet United States energy demands for natural gas is considerable.

The Methane Hydrate Research Act of 2000 invigorated methane hydrate research in the United States. The act also mandated that the National Research Council study the program initiated by the act and to make recommendations for future research and development needs. Without a doubt, the National Research Council concluded in its 2004 report, *Charting the Future of Methane Hydrate Research in the United States*, that the U.S. must continue its investment in hydrates research and development because of the size of the resource. Furthermore, the report commended the program's excellent coordination and cooperation between federal agencies,

industry, and academia involved in methane hydrates research. The legislation I am introducing incorporates the recommendations of the National Research Council, and improves upon the act by requiring external scientific peer reviews, strengthening the advisory panel, broadening the field work proposals to include test wells, increasing the appropriations needed to conduct the research, and emphasizing the need to promote education and training in the field of methane hydrate research and resource development. The bill also incorporates comments from the Department of Energy.

Mr. President, science and technology have and will continue to help us learn more about our world, and I believe, help us solve some of our toughest problems, not only domestically but globally. These are complex and significant problems relating to the impact of human activities on our environment, our heavy dependence on finite fossil fuels from sources that may not prove reliable, and limited energy supplies in the face of growing demands of expanding national economies that are increasingly intertwined in a global economic network. I believe the Federal Government must continue to foster the needed research and development in the field of methane hydrate research.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methane Hydrate Research and Development Reauthorization Act of 2005".

SEC. 2. METHANE HYDRATE RESEARCH AND DEVELOPMENT.

The Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 1902 note; Public Law 106-193) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Methane Hydrate Research and Development Act of 2000'.

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) in order to promote energy independence and meet the increasing demand for energy, the United States will require a diversified portfolio of substantially increased quantities of electricity, natural gas, and transportation fuels;

"(2) according to the report submitted to Congress by the National Research Council entitled 'Charting the Future of Methane Hydrate Research in the United States', the total United States resources of gas hydrates have been estimated to be on the order of 200,000 trillion cubic feet;

"(3) according to the report of the National Commission on Energy Policy entitled 'Ending the Energy Stalemate - A Bipartisan Strategy to Meet America's Energy Challenge', and dated December 2004, the United States may be endowed with over 1/4 of the methane hydrate deposits in the world;

“(4) according to the Energy Information Administration, a shortfall in natural gas supply from conventional and unconventional sources is expected to occur in or about 2020; and

“(5) the National Academy of Science states that methane hydrate may have the potential to alleviate the projected shortfall in the natural gas supply.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) **CONTRACT.**—The term ‘contract’ means a procurement contract within the meaning of section 6303 of title 31, United States Code.

“(2) **COOPERATIVE AGREEMENT.**—The term ‘cooperative agreement’ means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of the National Science Foundation.

“(4) **GRANT.**—The term ‘grant’ means a grant awarded under a grant agreement (within the meaning of section 6304 of title 31, United States Code).

“(5) **INDUSTRIAL ENTERPRISE.**—The term ‘industrial enterprise’ means a private, non-governmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

“(6) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

“(7) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

“(8) **SECRETARY OF COMMERCE.**—The term ‘Secretary of Commerce’ means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

“(9) **SECRETARY OF DEFENSE.**—The term ‘Secretary of Defense’ means the Secretary of Defense, acting through the Secretary of the Navy.

“(10) **SECRETARY OF THE INTERIOR.**—The term ‘Secretary of the Interior’ means the Secretary of the Interior, acting through the Director of the United States Geological Survey, the Director of the Bureau of Land Management, and the Director of the Minerals Management Service.

“SEC. 4. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

“(a) **IN GENERAL.**—

“(1) **COMMENCEMENT OF PROGRAM.**—Not later than 90 days after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

“(2) **DESIGNATIONS.**—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

“(3) **COORDINATION.**—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

“(4) **MEETINGS.**—The individuals designated under paragraph (2) shall meet not later than 180 days after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005 and not less frequently than every 180 days thereafter to—

“(A) review the progress of the program under paragraph (1); and

“(B) coordinate interagency research and partnership efforts in carrying out the program.

“(b) **GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.**—

“(1) **ASSISTANCE AND COORDINATION.**—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants to, or enter into contracts or cooperative agreements with, institutions of higher education and industrial enterprises to—

“(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy;

“(B) identify methane hydrate resources through remote sensing;

“(C) acquire and reprocess seismic data suitable for characterizing methane hydrate accumulations;

“(D) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

“(E) promote education and training in methane hydrate resource research and resource development through fellowships or other means for graduate education and training;

“(F) conduct basic and applied research to assess and mitigate the environmental impact of hydrate degassing (including both natural degassing and degassing associated with commercial development);

“(G) develop technologies to reduce the risks of drilling through methane hydrates; and

“(H) conduct exploratory drilling, well testing, and production testing operations on permafrost and non-permafrost gas hydrates in support of the activities authorized by this paragraph, including drilling of 1 or more full-scale production test wells.

“(2) **COMPETITIVE PEER REVIEW.**—Funds made available under paragraph (1) shall be made available based on a competitive process using external scientific peer review of proposed research.

“(c) **METHANE HYDRATES ADVISORY PANEL.**—

“(1) **IN GENERAL.**—The Secretary shall establish an advisory panel (including the hiring of appropriate staff) consisting of representatives of industrial enterprises, institutions of higher education, oceanographic institutions, State agencies, and environmental organizations with knowledge and expertise in the natural gas hydrates field, to—

“(A) assist in developing recommendations and broad programmatic priorities for the methane hydrate research and development program carried out under subsection (a)(1);

“(B) provide scientific oversight for the methane hydrates program, including assessing progress toward program goals, evaluating program balance, and providing recommendations to enhance the quality of the program over time; and

“(C) not later than 2 years after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005, and at such later dates as the panel considers advisable, submit to Congress—

“(i) an assessment of the methane hydrate research program; and

“(ii) an assessment of the 5-year research plan of the Department of Energy.

“(2) **CONFLICTS OF INTEREST.**—In appointing each member of the advisory panel established under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that the appointment of the member does not pose a conflict of interest with re-

spect to the duties of the member under this Act.

“(3) **MEETINGS.**—The advisory panel shall—

“(A) hold the initial meeting of the advisory panel not later than 180 days after the date of establishment of the advisory panel; and

“(B) meet biennially thereafter.

“(4) **COORDINATION.**—The advisory panel shall coordinate activities of the advisory panel with program managers of the Department of Energy at appropriate national laboratories

“(d) **CONSTRUCTION COSTS.**—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

“(e) **RESPONSIBILITIES OF THE SECRETARY.**—In carrying out subsection (b)(1), the Secretary shall—

“(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

“(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

“(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

“(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development;

“(5) report annually to Congress on the results of actions taken to carry out this Act; and

“(6) ensure, to the maximum extent practicable, greater participation by the Department of Energy in international cooperative efforts.

“SEC. 5. NATIONAL RESEARCH COUNCIL STUDY.

“(a) **AGREEMENT FOR STUDY.**—The Secretary shall offer to enter into an agreement with the National Research Council under which the National Research Council shall—

“(1) conduct a study of the progress made under the methane hydrate research and development program implemented under this Act; and

“(2) make recommendations for future methane hydrate research and development needs.

“(b) **REPORT.**—Not later than September 30, 2009, the Secretary shall submit to Congress a report containing the findings and recommendations of the National Research Council under this section.

“SEC. 6. REPORTS AND STUDIES FOR CONGRESS.

“The Secretary shall provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of Congress.

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Secretary to carry out this Act, to remain available until expended—

“(1) \$15,000,000 for fiscal year 2006;

“(2) \$20,000,000 for fiscal year 2007;

“(3) \$30,000,000 for fiscal year 2008;

“(4) \$50,000,000 for fiscal year 2009; and

“(5) \$50,000,000 for fiscal year 2010.”.

Ms. MURKOWSKI. Mr. President, I am proud to come to the floor today to introduce legislation of vital importance to our Nation. Enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005

will provide the authorizations necessary to unlock a potentially huge supply of domestic natural gas, enough gas to supply our Nation for generations.

However, before I introduce this legislation, I would first like to thank my good friend and colleague, Senator AKAKA, for his dedication to helping address our Nation's energy crisis through legislation that should dramatically increase our domestic supply of environmentally friendly, clean burning natural gas. Without Senator AKAKA's hard work and focus on this issue we would not be introducing this legislation today.

Mr. President, our Nation is facing an energy crisis. Oil and natural gas prices are at historic or near historic high levels. Oil prices are over \$50 a barrel. Natural gas prices are over \$7.00 a MMBtu. Indeed, United States natural gas prices have increased by almost 350 percent since 1998 and are currently the highest in the world. Despite this huge increase in cost, domestic natural gas production has declined by almost 5 percent and Canadian imports have declined by almost 25 percent from 2001 to 2004. Estimates are that during the past 5 years United States natural gas consumers have paid nearly \$200 billion more for natural gas than they paid in the preceding 5 years.

These extraordinarily high natural gas prices are having a profound impact on every segment of our economy. Chairman Greenspan identified our current natural gas price and supply situation as a crisis that could have a devastating impact on the United States economy. In fact, estimates are that the natural gas crisis has significantly contributed to the loss of 2.5 million United States manufacturing jobs. Indeed, the ongoing "demand destruction" caused by current gas prices with its devastating impact on United States manufacturing will only continue unless we address the current natural gas supply shortage and high prices.

Today, the United States produces about 22 trillion cubic feet of natural gas each year. By 2025, the Energy Information Administration estimates that United States natural gas consumption will reach 31 trillion cubic feet. That's an increase of more than 40 percent. Much of the new electric generation that will come on line during the next two decades will require natural gas according to a study by the American Gas Foundation. Indeed, clean burning natural gas remains the premium fossil fuel for electric power generation.

The EIA estimates that by 2025 the United States will produce only 21.8 trillion cubic feet of natural gas meeting just 70 percent of the Nation's expected demand. Thus, absent securing a new domestic supply of gas, the United States will have to import 30 percent of its natural gas supply. We have already gone down this path with our petroleum supplies. We have witnessed the

unacceptable national security, balance of payments and general economic consequences of this level of reliance on foreign sources for our nation's critical supply of oil. We must not repeat this reality with natural gas.

This is why I am proud to introduce the Methane Hydrate Research and Development Reauthorization Act of 2005. As stated in the findings section of the legislation, the National Research Council has estimated the total United States methane hydrate resource base to be on the order of 200,000 trillion cubic feet. Alaska alone is thought to have potential hydrate resources of 32,000 trillion cubic feet. Indeed, a report issued by the National Commission on Energy Policy states that the United States may be endowed with over one-fourth of the methane hydrate deposits in the world. This is an immense supply of secure, domestic energy that could supply our country for many, many years.

The Methane Hydrate Reauthorization Act of 2005 builds upon the success of the original Methane Hydrate Research and Development Act of 2000. The new act incorporates certain changes to the 2000 legislation suggested by the National Research Council of the National Academies and the Department of Energy. The 2000 act established an advisory panel to advise the Secretary of Energy on potential applications of methane hydrate and to assist in developing recommendations and priorities for methane hydrate research and development programs. The new act strengthens the role of the advisory panel to ensure that the research funds are put to their most effective use. The 2005 act also increases the use of a scientific peer review process in determining which projects will be funded. Further, the new legislation directs the funding of fellowships and graduate education and training programs to establish a solid, scientific foundation of expertise in the United States on methane hydrates. Finally, the 2005 act authorizes increased funding for the methane hydrate program. The increased funding is critical in order to allow for the transition from a largely research oriented program to one that will foster the beginning of the commercialization of our Nation's methane hydrate resources.

Again, I thank Senator AKAKA and his staff for their hard work and commitment to this legislation that is so important to our nation's future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—RELATING TO THE DEATH OF THE HOLY FATHER, POPE JOHN PAUL II

Mr. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. SANTORUM, Ms. MIKULSKI, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr.

ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 95

Whereas Pope John Paul II was one of the greatest spiritual leaders and moral teachers of the Modern Era; and

Whereas he set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint; and

Whereas throughout the course of his pontificate he campaigned tirelessly for human rights and human dignity throughout the world; and

Whereas he practiced and inspired resistance to the great totalitarian systems and tyrannies that rose and, with his help, fell in the 20th Century; and

Whereas he fostered harmony between Catholics and Eastern Orthodox and Protestant Christians, reached out in friendship to Jews, Muslims and members of other faiths, and warmly promoted interfaith understanding and cooperation; and

Whereas he dedicated himself to the defense of the weakest and most vulnerable members of the human family; and

Whereas on his visits to our country he has called all Americans to be true and faithful to the great principles of liberty and justice inscribed in our Declaration of Independence and Constitution; and

Whereas his selfless service to God and man has been an inspiration to Americans and men and women of goodwill across the globe; therefore be it

Resolved, That the Senate of the United States joins the world in mourning his death, and pays tribute to him by pledging to be ever faithful to our national calling to be "one Nation, under God, indivisible, with liberty and justice for all," and to help our neighbors in immeasurable ways.

SENATE RESOLUTION 96—COMMEMORATING THE TENTH ANNIVERSARY OF THE ATTACK ON THE ALFRED P. MURRAH FEDERAL BUILDING

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Whereas on April 19, 1995, at 9:02 a.m. Central Daylight Time, in Oklahoma City, Oklahoma, the United States was attacked in one of the worst terrorist attacks on United States soil, which killed 168 people and injured more than 850 others;

Whereas this dastardly act of domestic terrorism affected thousands of families and horrified millions of people across the State of Oklahoma and the United States;

Whereas the people of Oklahoma and the United States responded to this tragedy through the remarkable efforts of local, State, and Federal law enforcement, firefighters, and emergency services, search and rescue teams from across the United States, public and private medical personnel, and thousands of volunteers from the community who saved lives, assisted the injured and wounded, comforted the bereaved, and provided meals and support to those who came to Oklahoma City to help those endangered and affected by this terrorist act;

Whereas the people of Oklahoma and the United States pledged themselves to build and maintain a permanent national memorial to remember those who were killed, those who survived, and those changed forever;

Whereas this pledge was fulfilled by creating the Oklahoma City National Memorial, which draws hundreds of thousands of visitors from around the world every year to the site of this tragic event in United States history;

Whereas the Oklahoma City National Memorial brings comfort, strength, peace, hope, and serenity to the many visitors who come to the memorial and its museum each year to remember and to learn;

Whereas the mission of the National Memorial Institute for the Prevention of Terrorism, to aid the Nation's emergency responders in preventing terrorist attacks, or mitigating their effects, should be promoted; and

Whereas the tenth anniversary of the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, is on April 19, 2005; Now, therefore, be it

Resolved, That the Senate—

(1) joins with the people of the United States in sending best wishes and prayers to the families, friends, and neighbors of the 168 people killed in the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma;

(2) sends Congress' best wishes and thoughts to those injured in the bombing and its gratitude for their recovery;

(3) thanks the thousands of first responders, rescue workers, medical personnel, and volunteers from the Oklahoma City community and across the Nation who answered the call for help that April morning and in the days and weeks thereafter;

(4) resolves to work with the people of the United States to promote the goals and mission established by the Oklahoma City National Memorial on the tenth anniversary of that fateful day;

(5) supports the resolve for the future, written on the wall of the memorial, "We come here to remember those who were killed, those who survived, and those changed forever. May all who leave here

know the impact of violence. May this memorial offer comfort, strength, peace, hope, and serenity.";

(6) designates the week of April 17, 2005, as the National Week of Hope, commemorating the tenth anniversary of the Oklahoma City bombing;

(7) calls on the people of the United States to participate in the events scheduled for each day of that week to teach a lesson of hope in the midst of political violence and to teach that good endures in the world even among those who commit bad acts and further to teach that there is a way to resolve differences other than resorting to terrorism or violence, including the—

- (A) Day of Faith;
- (B) Day of Understanding;
- (C) Day of Remembrance;
- (D) Day of Sharing;
- (E) Day of Tolerance;
- (F) Day of Caring; and
- (G) Day of Inspiration;

(8) congratulates the people of Oklahoma City for making tremendous progress over the past decade and demonstrating their steadfast commitment to the ability of hope to triumph over violence;

(9) applauds the people of Oklahoma City as they continue to persevere and to stand as a beacon to the rest of the Nation and the world attesting to the strength of goodness in overcoming evil wherever it arises in our midst; and

(10) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Memorial Foundation, as an expression of appreciation.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to introduce a resolution to commemorate the tenth anniversary of the attack on the Alfred P. Murrah Federal Building. The attack occurred at 9:02 a.m. Central Daylight Time on April 19, 1995, in Oklahoma City, Oklahoma. 168 Americans lost their lives while more than 850 others were injured. This terrible act of domestic terrorism affected thousands of families across the State of Oklahoma and the United States. I thank the local, State and Federal law enforcement, firefighters and emergency services and search and rescue teams across the United States, public and private medical personnel, and thousands of volunteers from the community who saved lives, assisted the injured, comforted the grieving, and provided meals and support to those who came to help the people of Oklahoma. I applaud the people of Oklahoma for making tremendous progress over the past decade and for demonstrating their steadfast commitment to triumph over violence and stand behind them as they continue to persevere. I am privileged to be from the great state of Oklahoma and encourage my colleagues to join me in commemorating the tenth anniversary of the attack on the Alfred P. Murrah Federal Building.

AMENDMENTS SUBMITTED AND PROPOSED

SA 266. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps

for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

SA 267. Mr. MCCAIN (for himself, Mr. DEWINE, Mr. GRAHAM, Mr. KYL, Mr. CORZINE, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, *supra*.

SA 268. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 269. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 270. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 271. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 272. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 273. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 274. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 275. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 276. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 277. Mr. LUGAR (for Mr. BIDEN) proposed an amendment to the bill S. 600, *supra*.

SA 278. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mr. CORZINE, and Ms. MIKULSKI) proposed an amendment to the bill S. 600, *supra*.

SA 279. Mr. LUGAR proposed an amendment to the bill S. 600, *supra*.

SA 280. Mr. LUGAR (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill S. 600, *supra*.

SA 281. Mr. BAUCUS (for himself and Mr. HARKIN) proposed an amendment to the bill S. 600, *supra*.

SA 282. Mr. CRAIG (for himself and Mr. ROBERTS) proposed an amendment to amendment SA 281 proposed by Mr. BAUCUS (for himself and Mr. HARKIN) to the bill S. 600, *supra*.

SA 283. Mr. DODD proposed an amendment to the bill S. 600, *supra*.

SA 284. Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill S. 600, *supra*.

SA 285. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 600, *supra*; which was ordered to lie on the table.

SA 286. Mr. BIDEN proposed an amendment to the bill S. 600, *supra*.

SA 287. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, *supra*; which was ordered to lie on the table.

SA 288. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, *supra*; which was ordered to lie on the table.

SA 289. Mr. OBAMA (for himself, Mr. INOUE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, *supra*; which was ordered to lie on the table.

SA 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, *supra*; which was ordered to lie on the table.

SA 291. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 266. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 55, strike lines 3 through 11.

SA 267. Mr. McCAIN (for himself, Mr. DEWINE, Mr. GRAHAM, Mr. KYL, Mr. CORZINE, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

TITLE XXIX—TRADE TREATMENT OF UKRAINE

SEC. 2901. FINDINGS.

Congress finds that Ukraine has

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction; and

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974.

SEC. 2902. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) **PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) **TERMINATION OF APPLICATION OF TITLE IV.**—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

SA 268. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 59, strike lines 16 through 25 and insert the following:

“(a) **AUTHORITY.**—Grants authorized under section 305 shall be available to make annual grants to Middle East Broadcasting Networks for the purpose of carrying out radio and television broadcasting.

“(b) **FUNCTION.**—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

SA 269. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 60, between lines 20 and 21, insert the following:

“(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate authorized for Level II of the Executive Schedule provided in section 5313 of title 5, United States Code, and such compensation shall be subject to the provisions of section 5307 of such title.

SA 270. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 64, strike lines 3 through 6, and insert the following:

(4) **CREDITABLE SERVICE.**—

(A) **IN GENERAL.**—Section 8332(b)(11) of title 5, United States Code, is amended by inserting “the Middle East Broadcasting Networks;” after “the Asia Foundation;”.

(B) **OTHER REQUIREMENTS.**—With regard to creditable service with the Middle East Broadcasting Networks, the Broadcasting Board of Governors shall—

(i) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

SA 271. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 110, between lines 4 and 5, insert the following new section:

SEC. 812. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2005” and inserting “October 1, 2008”.

SA 272. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 47, line 13, strike “and”;

On page 47, line 15, strike the period at the end and insert as semicolon and “and”.

On page 47, between lines 15 and 16, insert the following:

(3) by striking “or allowances” and inserting “allowances, or annuities”.

SA 273. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Depart-

ment of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 12, strike lines 11 through 13, and insert the following:

(2) **AVAILABILITY OF FUNDS.**—

(A) **FISCAL YEAR 2006.**—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) **FISCAL YEAR 2007.**—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

SA 274. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007”.

SA 275. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

Beginning on page 150, strike line 18 and all that follows through page 151, line 4, and insert the following:

(a) **CLARIFICATION OF AUTHORITY.**—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended by adding at the end “Such assistance may also include assistance for demining activities, clearance of unexploded ordnance, destruction of small arms and related ammunition when determined to be in the national security interest of the United States, and related activities, notwithstanding any other provision of law.”.

SA 276. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 272, line 15, strike “weapons,” and insert “weapons and related ammunition when determined to be in the national security interest of the United States,”.

SA 277. Mr. LUGAR (for Mr. BIDEN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years

2006 and 2007, and for other purposes; as follows:

On page 74, between lines 2 and 3, insert the following new section:

SEC. 603. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (22 U.S.C. 214) is amended in the third sentence by striking "or from a widow, widower, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member" and inserting "or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member".

SA 278. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mr. CORZINE, and Ms. MIKULSKI) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 172, after line 23, insert the following:

SEC. 2227. GLOBAL DEMOCRACY PROMOTION.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SA 279. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 24, strike lines 1 through 5.

SA 280. Mr. LUGAR (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

(Purpose: To impose an economic sanction on foreign countries that owe parking fines and penalties or property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

SEC. . WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES. (a) IN GENERAL.—Subject to subsection (c), of the funds made available by this Act for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country.

(b) PAYMENT.—Funds withheld from obligation for a country under subsection (a) shall be paid to the jurisdiction to which the unpaid fully adjudicated parking fines or penalties or unpaid property taxes are owed.

(c) AMOUNTS WITHHELD TO BE ADDITIONAL FUNDS.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) WAIVER.—(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) REPORT.—Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the appropriate congressional committees describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person or government to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or (ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2005.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined by a court or other tribunal to be owed by a foreign country on real property in the District of Columbia or New York, New York.

SA 281. Mr. BAUCUS (for himself and Mr. HARKIN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

TITLE XXIX—AGRICULTURAL EXPORTS

SEC. 2901. SHORT TITLE.

This title may be cited as the "Agricultural Export Facilitation Act of 2005".

SEC. 2902. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The export sector of United States agriculture makes an important positive contribution to this country's trade balance.

(2) The total value of United States exports of agricultural products shipped to Cuba since 2000 when such sales were first authorized by Congress is approximately \$1,000,000,000, including transportation, port fees, and insurance costs. In December 2001, Cuba purchased approximately \$4,300,000 in food and agricultural products. In 2002, Cuba purchased approximately \$138,600,000 in food and agricultural products. In 2003, Cuba purchased approximately \$256,900,000 in food and agricultural products. In 2004, Cuba purchased approximately \$380,000,000 in food and agricultural products. Cuba ranked at the bottom of 226 agricultural export markets for United States companies in 2001; ranked 50th of 226 in 2002; ranked 35th of 219 in 2003; and ranked approximately 25th of 228 in 2004. Cuba is therefore an important source of revenue for United States agriculture and its affiliated industries, such as manufacturers and distributors of value-added food products.

(3) To be competitive in sales to Cuban purchasers, United States exporters of agricultural products and their representatives, including representatives of United States air or sea carriers, ports and shippers, must have ready and reliable physical access to Cuba. Such access is currently uncertain because, under existing regulations, United States exporters and their representatives must apply for and receive special Treasury Department licenses to travel to Cuba to engage in sales-related activities. The issuance of such licenses is subject to both administrative delays and periodic denials. A blanket statutory authorization for sales and transport-related travel to Cuba by United States exporters will remove the current bureaucratic impediment to agricultural product sales endorsed by Congress when it passed the Trade Sanctions Reform and Export Enhancement Act of 2000.

(4) On many occasions United States visas have been delayed and often denied to prospective Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000. The result has been that family farmers and other small producers and distributors of agricultural products who lack the resources to fund sales delegations to Cuba have been denied access to potential purchasers in that country. A simple solution is for the Department of State to issue visas to Cuban nationals who demonstrate an itinerary of meetings with prospective United States exporters of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000. In addition, visas should be issued to Cuban phytosanitary inspectors who require entry into the United States to conduct on-premise inspections of production and processing facilities and the products of potential United States exporters.

(5) The Trade Sanctions Reform and Export Enhancement Act of 2000 requires "payment of cash in advance" for United States agricultural exports to Cuba. Some Federal agencies responsible for the implementation of the Trade Sanctions Reform and Export Enhancement Act of 2000 have expressed the view that "cash in advance" requires that payment be received by a United States exporter in advance of shipment of goods to

Cuba. Indeed, late last year payments due United States exporters from purchasers in Cuba were frozen in United States banks while the terms of those payments were reviewed unnecessarily. This action by the Department of the Treasury has created a climate of commercial uncertainty that has inhibited agricultural sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 to Cuba.

(6) There is nothing in either the Trade Sanctions Reform and Export Enhancement Act of 2000 itself or its legislative history to support the view that Congress intended payment to be made in advance of the shipment of goods from this country to Cuba. It was and is the intent of Congress that a seller of a product authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 receive payment only before a Cuban purchaser takes physical possession of that product.

(7) At present it is the policy of the United States Government to prohibit direct payment between Cuban and United States financial institutions. As a result, Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 must route their payments through third country banks that charge a fee for this service. Allowing direct payments between Cuban and United States financial institutions will permit the United States exporters to receive payment directly to their financial institutions within hours instead of days and will eliminate an unnecessary transactional fee, thereby allowing Cuban purchasers to purchase more United States origin agricultural products.

(8) Trademarks and trade names are vital assets of the United States companies that export branded food products, including those who today or in the future may sell such products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000. Hundreds of United States companies have registered their trademarks in Cuba in order to ensure the exclusive right to use those trademarks when the United States trade embargo on that country is lifted. Moreover, following the enactment of the Trade Sanctions Reform and Export Enhancement Act of 2000, many United States companies are today exporting branded food products to Cuba where they hope to establish their brands with Cuban purchasers in order to benefit from current sales under the Trade Sanctions Reform and Export Enhancement Act of 2000, as well as position themselves for the larger post-embargo market for United States goods in Cuba.

(9) Sales to Cuba of branded products of United States companies contribute to the livelihoods of American workers and the balance sheets of United States businesses. Those sales depend on the security of United States trademarks and trade names protected in Cuba by reciprocal treaties and agreements for the protection of intellectual property. Among such treaties and agreements are the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Inter-American Convention for Trademark and Commercial Protection.

(10) The United States District Court for the Southern District of New York ruled that section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 abrogates, with respect to Cuba, the Inter-American Convention on Trademarks and Commercial Protection. The court's ruling was affirmed by the United States Court of Appeals for the Second Circuit.

(11) Cuba's international remedy under customary international law (as codified by Article 60 of the 1969 Vienna Convention on Treaties), for a breach by the United States of the Inter-American Convention, is to sus-

pend or revoke the protections Cuba currently affords United States trademarks and trade names.

(12) In order to preserve the rights of United States nationals holding trademarks in Cuba, including those engaged in authorized sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 now and in the future, the United States must repeal section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 and the United States must comply with all treaty obligations owed Cuba as they relate to trademarks and trade names.

(b) PURPOSE.—The purpose of this title is to remove impediments to present and future sales of United States agricultural products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000 and to otherwise facilitate such sales.

SEC. 2903. TRAVEL TO CUBA IN CONNECTION WITH AUTHORIZED SALES ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

“(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURE IN CUBA BY PERSONS ENGAGING IN TSREEA OF 2000 SALES AND MARKETING ACTIVITIES IN THAT COUNTRY AND TSREEA-RELATED TRANSPORTATION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, for travel to, from, or within Cuba in connection with activities undertaken in connection with sales and marketing, including the organization and participation in product exhibitions, and the transportation by sea or air of products pursuant to this Act.

“(2) DEFINITIONS.—In this subsection, the term ‘sales and marketing activities’ means any activity with respect to travel to, from, or within Cuba that is undertaken by a United States person in order to explore the market in that country for the sale of products pursuant to this Act or to engage in sales activities with respect to such products. The term ‘sales activities’ includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products pursuant to this Act. Persons authorized to travel to Cuba under this section include full-time employees, executives, sales agents and consultants of producers, manufacturers, distributors, shippers, United States air and sea ports, and carriers of products authorized for sale pursuant to this Act, as well as exhibitors and representatives and members of national and State trade organizations that promote the interests of producers and distributors of such products.

“(3) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out the provisions of this subsection.”

SEC. 2904. SENSE OF CONGRESS THAT VISAS SHOULD BE ISSUED.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals whose itinerary documents an intent to conduct activities, including phytosanitary inspections, related to purchasing United States agricultural goods under the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000.

(b) PERIODIC REPORTS.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act and every 3 months thereafter the Secretary of State shall submit to the Committees on Finance, Agriculture, Nutrition, and Forestry,

and Foreign Relations of the Senate and the Committees on Agriculture, Ways and Means, and International Relations of the House of Representatives a report on the issuance of visas described in subsection (a).

(2) CONTENT OF REPORTS.—Each report shall contain a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 and shall describe the disposition of each such application.

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

“(C) Notwithstanding any other provision of law, the term ‘payment of cash in advance’ means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

“(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”

SEC. 2906. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

Notwithstanding any other provisions of law, the President may not restrict direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000.

SEC. 2907. ADHERENCE TO INTERNATIONAL AGREEMENTS FOR THE MUTUAL PROTECTION OF INTELLECTUAL PROPERTY, INCLUDING REPEAL OF SECTION 211.

(a) REPEAL OF PROHIBITION ON ENFORCEMENT OF RIGHTS TO CERTAIN UNITED STATES INTELLECTUAL PROPERTIES AND TRANSFER OF SUCH PROPERTIES.—

(1) REPEAL.—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-2688) is repealed.

(2) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary to carry out the repeal made by paragraph (1), including removing any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

(3) FURTHER REGULATIONS.—The Secretary of the Treasury shall amend the Cuban Asset Control Regulations (part 515 of title 31, Code of Federal Regulations) to authorize under general license the transfer or receipt of any trademark or trade name subject to United States law in which a designated national has an interest. The filing and prosecution of opposition and infringement proceedings related to any trademark or trade name in which a designated national has an interest and the prosecution of any defense to such proceedings shall also be authorized by general license.

SA 282. Mr. CRAIG (for himself and Mr. ROBERTS) proposed an amendment to amendment SA 281 proposed by Mr. BAUCUS (for himself and Mr. HARKIN) to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and

2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In the matter proposed to be added, strike section 2905 and insert the following:

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

“(C) Notwithstanding any other provision of law, the term ‘payment of cash in advance’ means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

“(i) the transfer of title of such commodity or product to the purchaser; and

“(ii) the release of control of such commodity or product to the purchaser.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on February 22, 2005.

SA 283. Mr. DODD proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) FINDINGS.—

(1) During most of last four years relations between the United States and the People's Republic of China have been relatively stable;

(2) The recently released 2004 State Department Country Report on Human Rights continues to characterize China's human rights as poor;

(3) Bilateral economic and trade relations are important components of the US/Chinese relationship.

(4) China's growing international economic and political influence has implications for the United States competitive position and for maintaining a strong domestic industrial base;

(5) Taiwan remains an extremely sensitive and complex bilateral issue between the US and the Peoples Republic of China;

(6) The US decision to establish diplomatic relations with the People's Republic of China in 1979 was based upon the premise that the future of Taiwan would be determined solely by peaceful means and in a manner that was mutually satisfactory;

(7) The Taiwan Relations Act makes clear that peace and stability in the region are in the political, security and economic interests of the United States;

(8) The United States has consistently urged restraint by both China and Taiwan with respect to their actions and declarations; and

(9) The anti-succession law adopted by the Chinese National People's Congress on March 14, 2005 targeted at Taiwan's independence advocates was a provocative action which has altered the status quo in the region.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

1. China's anti-succession law is destabilizing to regional peace and stability, and is therefore of grave concern to the United States;

2. The United States Government should employ all diplomatic means to encourage

the repeal of that law so the regional stability can be restored;

3. The United States Government should continue to speak out with respect to China's human rights practices and advocate the release from detention of all political and human rights activists;

4. The United States Government should more effectively promote United States economic and trade interests by insisting that the People's Republic of China lives up to its international trade obligations to respect and safeguard US intellectual property rights and cease artificially pegging its currency exchange rates; and

5. The United States Government should undertake a comprehensive review of the implications of China's growing international economic and political influence that are by-products of its expanding network of trade agreements, its aggressive shipbuilding programs, its efforts to cement scientific and technological cooperation arrangements, and secure additional oil and gas contracts; and should determine what steps should be taken to safeguard the United States industrial base and maintain and enhance U.S. economic competitiveness and political interests.

SA 284. Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 16, strike lines 13 through 21 and insert the following:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For “International Broadcasting Operations,” \$620,050,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements,” \$10,893,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(3) PROHIBITION ON TELEVISION BROADCASTING TO CUBA.—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1) or (2) may be used to provide television broadcasting to Cuba.

SA 285. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 18, strike “\$13,024,000” and insert “\$20,300,000”.

SA 286. Mr. BIDEN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In lieu of the matter proposed to be stricken, insert the following:

“Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended by adding at the end the following:

“(v) For assessments made during calendar years 2005, 2006, and 2007, 27.1 percent.”

SA 287. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 20, striking “There” and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 12, between lines 3 and 4, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004-2005 United Nations biennium budget adopted in December, 2003.

SA 288. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following new section:

SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not

require the approval of the United Nations Budget Office.

(D) The length of the fixed, non-renewable term of the Under-Secretary-General of the Office of Internal Oversight Services is seven years.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

SA 289. Mr. OBAMA (for himself, Mr. INOUE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXII of Division B, add the following new section:

SEC. 2227. ASSISTANCE TO THE PHILIPPINES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 19, 2003, President George W. Bush and President of the Philippines Gloria Macapagal-Arroyo issued a joint statement that stated that “[t]he Presidents agreed that relations are deeper and warmer today than at any time in recent history and noted that those ties are rooted in shared history, shared values, and a common interest in global peace and prosperity. President Bush and President Macapagal-Arroyo paid tribute to a revitalized and maturing bilateral alliance and pledged to strengthen the partnership further in the years ahead.”

(2) According to the Department of State, “[t]he U.S. has important security, commercial and political interests in the Philippines, a treaty ally that straddles important air and sea lanes. . . . In recognition of the critical nature of Philippine support to the Global War on Terrorism, President Bush designated the Philippines as a major Non-NATO ally.”

(3) On February 16, 2005, the Director of Central Intelligence stated: “In the Philippines, Manila is struggling with prolonged Islamic and Communist rebellions. The presence of Jemaah Islamiyah terrorists seeking safe haven and training bases adds volatility and capability to terrorist groups already in place.”

(4) According to the United States Agency for International Development, “[c]orruption and conflict continue to impede the Philippines’ economic and social development. Forty-six percent of the country’s population lives on \$2 per day or less. . . . The Philippines continues to suffer some of the worst effects of underdevelopment: a 2.36 percent rate of population growth; destructive exploitation of natural resources; and vulnerability to political instability. . . . Nevertheless, the Philippines has maintained its democratic institutions and its market-based economic system, as well as its historic ties with the United States.”

(5) Despite the importance of the bilateral relationship between the United States and the Philippines, the budget request submitted by the President for fiscal year 2006 contains decreases in assistance to the Philippines in several important foreign assistance accounts.

(b) ASSISTANCE TO THE PHILIPPINES.—There are authorized to be appropriated to the President for assistance for the Philippines the following amounts for fiscal year 2006:

(1) For “Development Assistance” to carry out the provisions of sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293), \$27,576,000.

(2) For “Child Survival and Health Programs Fund” to carry out the provisions of sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293), \$26,800,000.

(3) For “Economic Support Fund” to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), \$34,720,000.

(4) For “International Narcotics and Law Enforcement” to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), \$2,000,000.

(5) For “Nonproliferation, Anti-Terrorism, Demining, and Related Programs”, \$5,150,000.

(6) For “International Military Education and Training” to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), \$1,000,000.

(7) For “Foreign Military Financing Program” grants to carry out the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$55,000,000.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the Agency for International Development, shall submit to the appropriate congressional committees a report containing a 10-year strategy for providing assistance to the Philippines.

(2) CONTENT.—The report required under paragraph (1) shall include projected funding levels to help the Government of the Philippines deal effectively with a number of issues facing the country, including poverty, corruption, military reform, economic development, environmental damage, international terrorism, democracy building, and narcotics trafficking.

SA 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, between lines 4 and 5, insert the following:

SEC. 812. REQUIREMENTS FOR ADMISSION TO THE UNITED STATES.

(a) REQUIREMENT FOR OATH PRIOR TO OBTAINING VISA.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

“(i) Every alien applying for a non-immigrant visa shall, prior to obtaining such visa, swear or affirm an oath stating that—

“(1) the alien shall adhere to the laws and to the Constitution of the United States;

“(2) the alien will not attempt to develop information for the purpose of threatening the national security of the United States or to bring harm to any citizen of the United States;

“(3) the alien is not associated with a terrorist organization;

“(4) the alien has not and will not receive any funds or other support to visit the United States from a terrorist organization;

“(5) all documents submitted to support the alien’s application are valid and contain truthful information;

“(6) the alien will inform the appropriate authorities if the alien is approached or con-

tacted by a member of a terrorist organization; and

“(7) the alien understands that the alien’s visa shall be revoked and the alien shall be removed from the United States if the alien is found—

“(A) to have acted in a manner that is inconsistent with this oath; or

“(B) provided fraudulent information in order to obtain a visa.”.

(b) REQUIREMENT FOR OATH PRIOR TO ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security or an individual designated by the Secretary of Homeland Security shall require an alien seeking admission to the United States pursuant to a nonimmigrant visa to swear or affirm an oath reaffirming all the information provided by the alien for the purpose of obtaining the nonimmigrant visa.

(2) ADMINISTRATION OF OATH.—The Secretary of Homeland Security shall administer the oath required by paragraph (1) to an alien in the United States prior to the admission of such alien.

(3) FALSE STATEMENTS.—An alien who knowingly and willfully makes a false statement in swearing or affirming the oath required by paragraph (1) shall be subject to the penalties imposed for making a false statement under section 1001 of title 18, United States Code.

(4) ADMISSION DEFINED.—In this subsection, the term “admission” shall have the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

SA 291. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 318.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2005, at 2:30 p.m., in open session to receive testimony on active component, reserve component, and civilian personnel programs, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 5, 2005, at 10 a.m., to hear testimony on “Charities and Charitable Giving: Proposals for Reform”.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor,

and Pensions, Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Tuesday, April 5, 2005 at 9:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, April 5, 2005, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing on S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 5, 2005 at 9:30 a.m. on "Oversight of the USA PATRIOT Act." The hearing will take place in the Hart Senate Office Building room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

Witness List

Alberto Gonzales, United States Attorney General, Department of Justice, Washington, DC; and Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice, Washington, DC.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2005 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, April 5, 2005 at 10 a.m. for a hearing entitled, "Monitoring CMS' Vital Signs: Implementation of the Medicare Prescription Drug Benefit."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/Merchant Marine be authorized to meet to conduct a hearing on Tuesday, April 5, 2005 at 10 a.m. on Highway, Motor Carrier, and Hazardous Materials Transportation Safety, and Transportation of Household Goods in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that privilege of the floor be granted to Rexon Ryu, a detailee with Senator HAGEL's office, during consideration of S. 600, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that Jennifer Gergen and Joseph Bowab, two detailees from the State Department who are serving with the Foreign Relations Committee staff, receive floor privileges during consideration of S. 600.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, at the request of Senator LIEBERMAN, I ask unanimous consent that Andrew Young, a fellow in his office, be granted the privilege of the floor during the consideration of the State Department authorization and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO APPOINT A COMMITTEE

Mr. KYL. Mr. President, I ask unanimous consent the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Viktor Yushchenko, President of Ukraine, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 6, 2005

Mr. KYL. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Wednesday, April 6. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of calendar No. 48, S. 600, the State Department authorization bill, provided that the time until 10 a.m. be equally divided between the chairman and ranking member, provided further that at 10 a.m. the Senate proceed to the vote in relation to Biden amendment No. 286 as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I further ask unanimous consent that immediately following the vote tomorrow morning, the Senate stand in recess until 12 noon so that the Senate may proceed as a body to the House Chamber for a joint meeting to hear an address by Ukrainian President Yushchenko.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Mr. President, tomorrow the Senate will resume debate on the State Department authorization bill. The leader has announced that under the previous order, we will vote in relation to the Biden amendment at 10 a.m., and that will be the first vote of the day.

Following that vote, the Senate will continue working through amendments to the bill. There are six additional amendments currently pending, and it is the leader's hope that we can work out time agreements on these, plus any other amendments offered tomorrow.

Again, we will have an abbreviated week due to the events at the Vatican. It is the leader's intention to complete action on the State Department reauthorization bill this week. Therefore, it is paramount that we make strides on this bill during tomorrow's session. Senators should expect rollcall votes throughout the day and into tomorrow evening.

ORDER FOR ADJOURNMENT

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the scheduled debate with respect to Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. KYL. Mr. President, let me make a couple of comments and then I will yield to Senator DORGAN a couple of minutes as respective chairmen of the policy committees of both parties to describe what is going to happen briefly.

Sometimes, people watching C-SPAN will see a lone Senator giving a speech on the floor of the Senate and that passes for debate, and they ask, Where is the debate? Where is the joinder of the issues with one side asking the other a question and one side responding to the other's questions?

As a result of the fact that we don't have enough of that real debate in the Senate, what Senator DORGAN and I and our respective parties have agreed to is to conduct real debate, such as high school or college debates that many are familiar with, where there is a set time—in this case, 70 minutes—and each of four speakers, two on the Republican side and two on the Democratic side, have a few minutes, in this case 6 minutes, to make a presentation. Then when those presentations are over, each will ask the other questions. They will take a minute to ask the question with 2 minutes to respond; then, when the questions are over, there will be a brief summing up period

of time. That can allow the positions of the parties to be articulated well and yet permit an exchange of rebuttal and surrebuttal, which actually enables the parties to question each other, to challenge each other's premises and then to respond; in effect, conduct a real debate. The exact time limits are known to the parties.

At this time, I ask unanimous consent, without reading the agreement which has been agreed to by both parties respecting the relative time and order of presentation, that the agreement be deemed read and agreed to, and that it be deemed self-executing in the event that either Senator DORGAN or I should not be on the floor for purposes of yielding time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, for the next 70 minutes, as soon as Senator DORGAN is done with his preliminary comments, we will conduct this debate on the subject of Social Security. I invite those who are watching C-SPAN, as well as our colleagues, to tune in here because this may be one of the few real debates that we have until this subject actually is taken up on the floor of the Senate.

Finally, the subjects are chosen by mutual agreement, and we hope to have more of these debates this year and the following year, conducted roughly in this same kind of format so we can engage on other subjects as well.

I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator. We are the chairmen of our respective policy committees, Republican and Democratic parties. We have on previous occasions decided to arrange some debates on the floor of the Senate about some significant issues. I participated in previous debates. For this evening, however, the debate will occur between Senator DURBIN and Senator STABENOW on the Democratic side, Senator DEMINT and Senator SANTORUM on the Republican side. This debate is about Social Security, the larger issue, and also the merits of private accounts in Social Security.

I assume this will be a spirited discussion because it is a discussion that has been moving around the country at a very significant pace in recent weeks. It was said once that when everyone in the room is thinking the same thing, no one is thinking very much. I happen to think debate strengthens this democracy of ours.

I recall several years ago I picked up the Washington Post and there was a big debate going on about something very controversial, and someone was quoted in the Washington Post. They said, This whole thing has degenerated into a debate about principles. I read that, and I guess that is why I came

here. I hope so. I hope that is what debate is about.

Tonight, we will one more time begin a discussion and a debate, in this case on a subject that is very important in this country. I thank the two Republicans and the two Democrats, distinguished colleagues, who have agreed to participate in this debate. As my colleague Senator KYL indicated, this debate will be self-executing. The rules are known to all participants.

With that, let me turn this debate period over to the participants who have agreed to begin.

The PRESIDING OFFICER. The majority leader or his designee is now recognized for 6 minutes.

Mr. SANTORUM. Thank you, Mr. President. I thank both chairmen for structuring this debate.

I am here to talk about the problems confronting the Social Security system. Then my colleague Senator DEMINT will talk about in more detail the solutions we are putting forth—many of us on the side of the aisle are putting forward.

The problem with Social Security is it is driven by demographics. Social Security is a pay-as-you-go system. That means the people working pay into the system for those who are retired. The system worked well when you had a lot of people working and only a few people retiring. But that has fundamentally changed over the years. As a result of that change, what you see in the red line is a dramatic increase in taxes—from 2 percent, which is what the tax was on Social Security in 1936, now up to 12.4 percent. It was 2 percent on the first \$3,000 you made. That is the green bar. Now it is up to 12.4 percent of the first \$90,000 you make. If you are working in the system now, that is when you start, high based; in other words, almost every dollar most people make is going to be taxed at a very high rate.

This is a big tax burden on future generations of America as we stand today. But this tax right now doesn't pay for the benefits that are going to be provided for future generations. Why? Demographics are changing.

The first thing to happen is the fact that we are not having as many children. There are some exceptions to that. But we are not having as many children as we had in previous years. You see the baby boom generation, 6.3 children of women of childbearing age. We are now going to be below a sustainable birth rate. But for immigration, we would be losing population in America.

We see a gradual decline in the number of workers going into the system. That is No. 1.

No. 2, we have a problem—a good problem. People are living longer. Life expectancy at the time Social Security started was age 61. Truly, at the time, Social Security was an old-age program. What does that mean? It was for people who could no longer work. People didn't live to age 65 back in 1936.

Now we are seeing seniors living to age 77, and increasing 1 month every 2 years.

What we are going to be asking future generations of Americans to do—these workers, fewer of them—is to support seniors up to almost one-third of their lifespan in “retirement” on Social Security.

People are living longer, fewer people paying benefits, and the final big blow to the demographic perfect storm is the number of people turning 65.

If you look back over the last 40 years, back and beyond 1982, the average number of people turning 65 in America was 2 million. When boomers start to retire, as you can see in the year 2011, the average going out over the next 40 years is going to be 4 million people. We are going to double the number of people retiring, and they are going to be living longer, and fewer people are coming into the workplace to pay for those benefits. As a result of this combination of three factors, we see this very important distinction. This is what is driving the personal accounts. That is what is driving the need for changes in the Social Security system. It worked fine when you had a lot of people paying 42 to 1.

Now we have a system where almost one person is paying for one person in retirement; it is two to one. Franklin Roosevelt would never design a system where workers were paying for retirees if you only had two workers paying for one retiree. No one designing a system today would design a system with demographics looking like this. In a sense you are almost paying for one person's retirement.

If you do that, anyway, why not have a personal account? Why not have the money paid to you and accrue that money over time, earn interest, have the miracle of compound interest being used to benefit from the taxes you are paying, instead of simply paying it to someone who is getting a transfer payment from you as you work today.

Franklin Roosevelt was right; Members never thought a Republican would say that. He was right to design a system such as this because it made sense. There was a very small burden on taxpayers. But we have changed. America has changed. And as a result of that change we need to look at the system differently.

Here is what happens now because of this demographic. Huge deficits in the future. Why? Fewer people paying and more people retired live longer. We have a short window of 10 or 12 years when we are paying more into the system than we need to pay benefits.

Why don't we lockbox that? How do you lockbox it? You can't lockbox it. Every Senator I have ever talked to says the money goes to pay for other Government programs. The answer is right. How do we lockbox it? Put it into personal savings accounts for their benefits in later years. That is how you lockbox Social Security today. That surplus that is there right

now, put it into personal accounts. If we don't do that, we will have a cashflow problem in our ability to pay benefits. We cannot pay benefits with IOUs. The President showed that today in Parkersburg, WV. You have to pay benefits with cash. That is the cash deficits we will be running in the Social Security Program alone: \$63 billion in 10 years, \$250 billion cashflow. What does that mean? Someone will have to pay more in taxes in 10 or 15 years, someone will get less benefits, or we will have huge borrowing to pay current benefits—not doing anything about saving money, not doing anything about having a better benefit, just to pay the current benefits being promised and that we cannot deliver on.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Illinois.

Mr. DURBIN. I thank my colleagues.

Sometimes by accident the Senate lapses into something which perilously resembles debate. This may be one of those moments.

For those who are following it, welcome to the Senate as I hoped it would be. I congratulate my colleagues on the Republican side and my colleague Senator STABENOW for engaging in this debate.

The first question the American people ought to ask is a very basic question: Congress, if you did nothing, if you didn't change one word in the Social Security law, how long would the Social Security system make payments to every retiree with a cost-of-living adjustment every single year? To listen to my colleague from Pennsylvania, it sounds as though doomsday for Social Security is right around the corner. But the professionals tell us it is 35 to 45 years away; 35 to 45 years if we do nothing.

President Bush and Senator SANTORUM and others have said, but what about beyond that date? That is a legitimate challenge to all of us. When I came to Congress in 1983, I faced that challenge on a bipartisan basis. We met that challenge. We extended the life of Social Security for 59 years with commonsense changes. That is what we should do again.

Yet the President comes to us and proposes privatization. Now I have said it. I said the word which drives the Republicans into a rage. They don't want to use "privatization." It is as Senator Bumpers said, they hate privatization like the devil hates holy water. But the fact is when the Cato Institute dreamed up this scheme, that is exactly what they called it.

So now the Republicans have a softer side of privatization; they call it personal accounts. But it comes down to the same thing. If you are going to take money out of the Social Security trust fund to invest it in the stock market, the first and obvious question you have to ask is, does this strengthen Social Security? The President has already answered that question: It

doesn't. It weakens Social Security. It means the Social Security trust fund will run out of money sooner. That is obvious. You are taking money out of the trust fund.

What else does it do? It forces you to cut benefits for Social Security retirees. There is less money in the trust fund. You cannot pay out as much in a pay-as-you-go system. That is fairly obvious.

How would they achieve that? The White House memo that was released said they would move to this new price index. Wage index to price index does not mean much to the average person until you sit down and ask, what does that mean in realistic terms? So we ask, what does that mean for today's retirees? What if we had dealt with a price index instead of a wage index?

The yellow line on the chart suggests current law; the red line price indexing. What it tells us is 20 or 30 years from now, under the President's approach, we would see a 40-percent cut in benefits paid to Social Security, forcing millions of seniors below the poverty line. That is part of privatization. The other part, the part which they hate to talk about, is that as you drag these trillions of dollars out of the Social Security trust fund, the only way to make it up is to add it to our national debt, \$2 trillion to \$5 trillion of national debt over 20 years, debt that is financed by Japan, China, Korea, and Taiwan, debt our children would carry.

So there we have the perfect storm. All three have come together: A privatization plan that doesn't strengthen Social Security but weakens it; a privatization plan that is going to cut benefits dramatically in the outyears; and a privatization plan that is going to create a deficit of \$2 trillion to \$5 trillion.

If we moved to the President's plan immediately, the Social Security system would go bankrupt even sooner, be insolvent even sooner. How can that be the right approach?

Now, let's get down to the politics of this situation. This is all about choices. We have made some choices. We had a vote as to whether we were going to cut taxes in America or save Social Security. Look at these Bush tax cut votes where we asked our Republican friends who wanted to join us in saving Social Security, are you willing to sacrifice a penny in tax cuts to make Social Security stronger. Time after time after time, to amendments offered by Senator BYRD, Senator HARKIN, Senator CONRAD, Senator REID, Senator Hollings, they have said no, we would prefer tax cuts even for the wealthiest people in this country rather than to strengthen the Social Security trust fund. The reason the Social Security trust fund may be in peril in the outyears is we have taken so much out of it to finance tax cuts.

I have a chart which shows what the tax cuts mean, the Social Security shortfall and the cost of other adminis-

tration politics over the next 75 years. The Social Security shortfall is about the same as the President's tax cuts for the top 1 percent of Americans. If we took the money we are giving in tax cuts to the wealthiest people in America and put it back into the Social Security system, we would not be having this debate. We would be talking about other issues that are equally if not more important.

Look at this chart. As a percentage of gross domestic product, Social Security will be at 48 percent in the year 2075. Look at Medicare and look at Medicaid. As we talk about this light at the end of the tunnel, 35 or 45 years from now, there is a locomotive looming, about to run over us, called Medicaid and Medicare and cost of health insurance.

So why aren't we sitting down on a bipartisan basis as we did in 1983, working out commonsense solutions that don't privatize Social Security, weakening it, cutting benefits, creating a massive debt for our children? Why don't we work on a bipartisan basis to make it stronger?

The PRESIDING OFFICER. The Senator's time is expired. There is 6 minutes for the minority.

The Senator from Michigan is recognized.

Ms. STABENOW. First, thanks to my colleagues on both sides of the aisle for arranging in this incredibly important debate, Senator KYL and Senator DORGAN, for bringing us together in this way.

Social Security is a great American success story. Senator DURBIN and I, while we were not around when it was created, are very proud of the fact that we as Democrats led the way to create a great American success story. Our goal today is to keep the security in Social Security. That is the fundamental issue, I believe, for each American family.

We are very proud of the fact that Social Security is a great American success story because prior to Social Security, half of the seniors in our country, half of older Americans, were in poverty. Today it is about 10 percent. We still need to work on the 10 percent but this is a great American success story. We want to make sure nothing is done to unravel this.

It is important we have this debate, though, and we talk about the fact that Social Security is America's insurance policy. It is our families' insurance policy because it is more than just retirement, which is so critical. But it is also a disability policy. Most of us do not have a private disability policy. In fact, 75 percent of us do not. It is a disability policy; it is a survivors policy.

Heaven forbid if mom or dad lose their life, where they are not there to care for their children. In fact, in my husband's own family, when he was 10 years old, his father died. His mom was older and not well, and he and his mom literally survived on Social Security.

This is a great American success story. Anything we do that pulls dollars out of an insurance policy will cut those who are left. No matter how forcefully the President or our colleagues say that somehow some folks can be protected, when you pull dollars out of an insurance system, it is not possible. I think it is very important for us to understand that as well.

Also, we can each have our own opinions but not our own facts. There are a couple of different numbers floating around, but I would suggest to you that the folks whom we are obligated to look to, the Congressional Budget Office—the folks where nobody is appointed by the President, such as the Social Security trustees—those who are the nonpartisan folks we refer to all the time, they tell us, as has been said, that the trust fund can pay 100 percent of its obligations until 2052, and after that, if nothing was done, it would be about 80 percent, maybe 78, 80 percent the trust fund could pay.

There is no question there is a gap, and we are here to say we want to work with you to address that gap. That is what we ought to be doing.

What we know, and the President has already admitted, as have others, is the privatization scheme proposed does nothing to fix this; nothing. It does not add a day, does not add an hour to 2052. In fact, it makes it worse.

There is a solution. In fact, there are a number of things we can talk about. But 2 weeks ago we had a vote on the floor on the budget resolution. This was a vote based on an amendment that Senator KENT CONRAD and I had to put Social Security first. I know people are concerned about Social Security, those who support continuing it. But the reality is, we had a vote 2 weeks ago on an amendment that simply said, before we permanently extend tax cuts predominantly to those most blessed in our country, who are the least worried about Social Security, or before we add new mandatory spending, we should secure Social Security first.

It is staggering when we look at the differences in values and priorities in this Congress and with the administration. Mr. President, \$3.7 trillion is a lot of money; \$3.7 trillion would secure Social Security for 75 years. That is, what, a third, a third maybe, of what we are going to be asked to vote on later this year and beyond to extend tax breaks predominantly for the wealthiest Americans for 75 years.

What are our values? What are our priorities? What does this say about us as a country? We can easily, by putting Social Security first, fill that gap for 75 years. And I believe we ought to do it.

Specifically, on why privatization is something that does not make sense. Privatization does three things we are concerned about: It increases the national debt drastically; it increases administrative costs; and it adds deep benefit cuts. No matter who says, "We'll protect this group or that

group, these folks will be OK," if you take money out of the insurance system, everybody gets cut. That is the reality.

The first thing is the budget deficit, the deficit for the country. When we look at what is happening right now, it is astounding. We have the largest Federal deficit right now in the history of the country. We should all be extremely concerned about it. It is \$4.6 trillion, projected. This adds, over 20 years, another \$4.9 trillion. It more than doubles the national deficit in order to do privatization.

One of the things I am particularly worried about, both as a member of the Banking Committee and a member of the Budget Committee, is who is buying that debt? Who is buying that debt from us? This is at a time when we are concerned about national security and trade deficits and what is happening around the world.

Well, the top two folks buying it are Japan and China. But can you imagine, South Korea and OPEC own some of our deficit. What happens when we add more to that deficit? And what happens when foreign countries buy more and more of our debt? This is a bad idea to add more to our debt.

Let me add a couple of points.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I will do that later. Thank you.

The PRESIDING OFFICER. The majority is now recognized for 6 minutes.

The Senator from South Carolina.

Mr. DEMINT. Thank you, Mr. President. I thank my colleagues as well.

This is a great opportunity to discuss such an important program. I appreciate all three of my colleagues who have spoken who have stressed how important it is that we keep the promise of Social Security. We have heard a lot of numbers and different information. If I could, I would like to try to make it a little simpler so at least I could understand it.

I am reminded, as I hear some of the information, of a TV commercial I have seen that the AARP has sponsored. Some of you may have seen that commercial. The Presiding Officer may have seen it as well. In the commercial they have a wrecking ball that is tearing down a house and a Caterpillar tractor tearing down the walls and a family fleeing, and they are saying: This is what the President is trying to do to our Social Security system, to tear it down completely when all it takes is a few simple adjustments.

I think the real truth here is the house is more like one I saw on the news during the rains and the mud slides in California: a beautiful big house sitting on the mountainside, and from the front it looked perfect. It was perfect in the inside. The roof was perfect. It did not leak. But when you looked around the back, from the air with a helicopter, you could see that half of the foundation had been washed away, and it was precariously perched

there on the side of the mountain. But it looked perfect from the front. A few hours later they showed a clip from the air where the whole house went down the side of the mountain.

Unfortunately, what we have happening today is we have a Social Security program that has worked, and it looks good, just like that house, but the foundations have been eroded for many years, and we are coming to the point where we have to rebuild those foundations.

I appreciate what the President is doing. This President has been willing to confront the most difficult issues of our generation. He has confronted terrorism head on. He is the world leader now in exporting freedom and democracy. He has taken the education issue on, recognizing we were leaving children behind, and made it more accountable. He saw that seniors were not able to buy prescriptions, and he has worked with the Congress to make sure they could. He sees that Social Security is like the house on the cliff and that we need to fix it.

Now, I am afraid my Democrat colleagues and the AARP and some other groups are still showing people around the house and telling them it looks fine. And it does. But, folks, the real truth is, the foundation of our Social Security system has been eroded. The President is trying to show us the truth, that we need to rebuild the foundation.

Senator SANTORUM painted a clear picture. The foundation of our current Social Security system was based on a lot of workers and few retirees, a lot of workers putting in \$60 or less a year. Today, we have the average family putting in over \$5,000 a year. The problem with that foundation and why it is being washed away by today's demographics is there is no savings. We have not saved 1 penny. Even though the average American family puts in over \$5,000—some dual-income families over \$15,000 a year—we are not saving any money in the Social Security system.

I am afraid while the trust fund is a nice idea, it is no more real than Santa Claus or the Easter Bunny. The President today pointed out that the trust fund is simply a file cabinet with a bookkeeping record of how much the Federal Government has borrowed from Social Security. This money was being borrowed before our tax cuts. It is being borrowed today. This year, there is \$75 billion in Social Security surpluses. It is being spent. And if we had not had the tax cuts, it would have all been spent because there is no way in our current Social Security system to save real money. That is all the President is talking about, rebuilding the foundation of our Social Security system with real savings. And that is what we are trying to do.

I will put up a chart. I want to point something out that is very important. So much has been said that we are taking money out of the Social Security system. But what we are doing with

personal accounts is welding them to the current Social Security system.

As you will see with the first bar on the chart, this year, in 2005, all of the benefits to today's retirees are being paid from the current system. But what we are proposing, since the current system is running out of money, is to begin to add personal savings within the Social Security system. By 2025, over half of the benefits that will be paid—and it is important to see that the benefits will be the same—will be paid in part by personal savings and in part by the traditional system.

Now, by the time my children retire, in 2045, all of the benefits will be paid from a funded Social Security system, from real savings, and people will actually get better benefits in the future than they do today.

Let me point out on a second chart, it is important to recognize no money is going out of the system. It is all part of a system that has a new foundation of real savings.

This is something we require of every corporation in the country that offers a pension plan, that they have real money in it. That is what we need to do to Social Security.

One of the benefits of this—in addition to structuring a program where we can guarantee benefits; we don't change disability; survivors benefits can be even better—is the average American worker, if you look at 2035, average median income at 35, it is already close to \$400,000 that they can work with their current system. The benefit there is that if you die before you are 65 instead of today when you have nothing, it is left to your heirs. It is part of your estate. More people can inherit wealth.

We can continue to talk about this as we go through the questions and answers.

The PRESIDING OFFICER. The minority is now recognized and has 1 minute to pose a question.

Mr. DURBIN. Mr. President, I will ask the first question. If you take up to 2 percent out of the Social Security trust fund—and it is a pay-as-you-go system—it is clear you don't have enough money to pay the benefits. The White House memo suggested that the way to deal with this is to reduce the amount of benefits paid to Social Security retirees. So I would like to ask my Republican friends if they support the White House memo that called for the price index that would cut benefits for Social Security retirees in years to come up to 40 percent.

Mr. SANTORUM. I would answer that and say that as you see, we have a surplus right now that can be used to fund these accounts for the next 10 years. After that we run a deficit in the Social Security Program, and we would have to come up with a way of financing that deficit.

What the President has suggested is that with Social Security, if we fix it the old-fashioned way, the way you did in 1938, which was increase taxes and

cut benefits, workers would be paying more and getting less. With personal accounts, you have the opportunity of getting more because you use the compound interest, you use the miracle of the markets, and a balanced investment portfolio that is being used by pension funds all over the country to fund their accounts. And so what we would suggest is you initially use the surplus money and then you balance for future workers—again, no reduction in benefits today, but you balance for future workers.

What the President has talked about is a promise, a lower promise of benefits but a better opportunity for a return because you have the personal savings accounts which can exceed the promised benefit. So you have at least the opportunity to do as well as the current system promises but cannot pay—promises but cannot pay—and you have the opportunity of not having to have future tax increases, again, because you are able to compensate with the amount of money that is earned in these accounts, again, because of the compounding of interest and because of the diversified portfolio of investments you have.

To me, this is a balanced approach. It takes the good part of the Social Security system which is the security of having money go into this old system, keeps that in place for about two-thirds of the money, and a third of the money will be able to offset what would have to be a future reduction of benefits with the growth in the personal account.

The PRESIDING OFFICER. The time of the Senator has expired. The majority is now recognized for 1 minute to ask a question.

Mr. SANTORUM. I thank the Chair. I would like to ask a question about the 6 percent of the workforce that does not participate in Social Security. They are State and local workers. My first question is, Do you support requiring—just as you did in 1983 by requiring Federal workers to participate in Social Security—those State and local workers to participate in Social Security? And if you do not, then why would you deny current workers who are in the Social Security system the opportunity to have a personal account like those workers do and allow them to continue to have their funded pension system and funded Social Security system, not allow current workers to have at least a partially funded Social Security system?

Mr. DURBIN. I might say that many of these people are teachers and firefighters and policemen who pay into their pension systems. They understood the arrangements when they went in and usually pay as much or more than Social Security requires. And for us to now change their system and bring them into Social Security fails on two counts. First, it doesn't solve the Social Security solvency problem. It is worth about 20 percent of the total that we are dealing with. And

second, it is going to demolish their own pension plans. So you are going to find these people who are being interrupted into their current employment paying into pension plans who will now either pay more into Social Security and/or less into their pension plans.

Is that what we want to achieve? Do we want to take pension plans that people paid into for a lifetime and weaken them? Is that our way to solve the Social Security crisis? I don't think so. I listened to my friends on the Republican side likening the Social Security trust fund to Santa Claus, the Easter Bunny, and a file cabinet. They may not recall it, but it hasn't been that long ago, 6 or 7 years ago, when we generated surpluses in the Federal budget. The Social Security Program was stronger. We were borrowing less money from it.

Since President Bush arrived we have borrowed \$800 billion out of the Social Security trust fund. The so-called file cabinet has been very generous to the President when he wanted to finance his tax cuts. If he hadn't given tax cuts to the wealthiest people, that file cabinet would have been full of money for Social Security recipients, lengthening the life of this program.

Also, this whole thing about the miracle of the markets,

I commend my colleague from Pennsylvania. Thank you for finally saying the words. You said we are talking about lower benefits but the opportunity to do better. That is what it is all about. So there is a guarantee of lower benefits to Social Security and the possibility of making more money on your investment.

Does the phrase "past performance is no indication of future results" ring a bell? That is what you see at the bottom of every ad for stocks and bonds and mutual funds. There is risk involved. Some may profit, others may not.

The PRESIDING OFFICER. The minority now has 1 minute to pose a question of the majority. The Senator from Michigan.

Ms. STABENOW. Mr. President, to follow up on the fact that we are hearing that there is no money in the trust fund, I am quite shocked to hear that because back in the 1980s, when the decision was made to come together, President Reagan, based on Alan Greenspan's commission, with Bob Dole and Tip O'Neill, they came together and on purpose designed a system to create surpluses for all of us baby boomers so there would be more dollars available in a surplus. And, in fact, what the President looks at, of course, just like when you go to a bank, you don't look in and just see dollars because there are investments being made and so on.

In the Social Security trust fund, individuals have been given secured bonds, the equivalent of a secured bond, an IOU, each one of us as individuals, with the full faith and credit of the United States behind it.

My question is this: We are giving those same kinds of assurances to those who buy our foreign debt, that we have the full faith and credit of the United States behind it. Would you suggest that we would pay China back and Japan back and our foreign creditors before we would pay back the people of America who have paid into the Social Security trust fund and have been given a secured IOU?

Mr. DEMINT. An excellent question. Those are legal obligations of the Federal Government which we have to honor. But the Supreme Court has said Americans have no legal right to a Social Security benefit. It is not their money. They don't own it. Unfortunately, the Social Security trust fund could not write one check to a Social Security retiree today. There is no money.

The only place the money can come from for the trust fund is if it comes back from the general fund to the trust fund. In other words, these cash deficits that we have talked about are the money that has to come out of the General Treasury, out of our education fund, our transportation fund, out of our military, in order to pay these IOUs that are in this so-called trust fund. And we don't have the money to do that.

And the talk of tax cuts hurting the Social Security trust fund, I am afraid, is ridiculous. The money was all being spent anyway. If we had not had a tax cut, more would have been spent. This year there is \$75 billion in a Social Security surplus that we are spending.

My question to the Senator is, would the Senator support a proposal that actually saved the Social Security trust fund—that is all we do—save the money that is surplus between now and the time that runs out in 2017—and that is when the program is in trouble because that is when we have to start pulling money out of the general fund. But my question to both of my Democratic colleagues is, would they support a proposal to save the Social Security surplus today?

Ms. STABENOW. Mr. President, first I say to my friend and colleague, I am shocked to hear him say the people of America who have paid into the Social Security trust fund, the baby boomers, do not have a secured obligation by all of us. Is the Senator saying whether it is moral or whether it is legal, or is he saying we do not have to pay those benefits? He is actually saying that for the folks who have paid in as baby boomers that we are not obligated to pay those benefits?

Mr. DEMINT. That is what the Supreme Court—

Ms. STABENOW. I want to make it clear that we Democrats believe with all our hearts and souls we have a responsibility to pay and we will pay those obligations. To somehow say that it is different to pay a foreign country than it is to pay our own people the obligations when they are both secured obligations—this is not some-

thing written down on a little piece of paper. This is a secured obligation with the full faith and credit of the United States of America behind it.

So I ask my colleague in return, the simple thing to do here, the very simple thing to do would be to go back and vote again on simply making a policy statement. Why didn't my colleagues, either of my colleagues, vote to say "put Social Security first," let's make sure we secure the obligation, keep it secure for 75 years, and then we can give 70 percent of the tax cuts; to say to those most blessed in this country, will you take 70 percent of \$11.6 trillion rather than 100 percent so every single person cannot only have retirement, but have a disability policy, have survivor benefits?

Isn't that based on the great values of America in terms of paying into a system, knowing it is going to be there, working hard all your life and creating a way for people to care about each other and have community? To me this would be the easiest thing, and we could do it tomorrow if we had the votes to do it.

Mr. SANTORUM. Mr. President, I suggest the chart is not accurate. According to the Congressional Budget Office, extending the tax cuts would cost about .7 percent of the gross domestic product between now and 2050, whereas the Social Security deficit is 1.4 percent of GDP. Even if we repeal all the tax cuts, not just on the wealthiest but on everybody that we provided—that is child credit, that is marriage penalty, all of those things—if you take all of those tax reductions the President has put forward, they only make up half, according to the Congressional Budget Office, of the shortfall. It does not solve the problem, No. 1, and it also would be mixing apples and oranges.

We have never in the history of this system had a general fund tax transfer to Social Security. We have always funded Social Security within the Social Security system through payroll taxes, and I showed the increases of taxes over time. So now we are talking about something fundamentally different. We are talking about general fund revenue to fund Social Security. I do not think most people would see that as an insurance policy anymore. I think they start to see it as a transfer program looking more like a welfare program than what has historically been a social insurance program.

I do not think we want to head down that road. I think we want to keep the integrity of the Social Security system in place. That is why what we are suggesting, which is personal retirement accounts, where the money stays in the system—there is a lot of talk saying you are taking money out to put in these accounts. Remember, these accounts pay Social Security benefits. The money stays in the system. It does not come out of the system. It is used as a way of actually saving and capturing this money that right now is

going to the Federal Government to spend, and in exchange we are getting this IOU.

Is the IOU an obligation to pay? Yes. How does the Government pay benefits? It pays benefits on the ability to take either tax revenue or borrow money and pay out benefits.

What we are suggesting with this chart of showing the cashflow problems is the deficits are going to be huge in the future, and that is going to be a problem of cash-flowing benefit payments in the future. It is not that we will not pay them; it is the deficits are going to be huge.

The PRESIDING OFFICER. The Senator's time has expired. The majority has 1 minute to pose a question to the minority.

Mr. SANTORUM. Mr. President, I ask either of my colleagues, they have heard of the solution we have put forward, and I guess the question I have is, the Senator from Illinois suggested we can fix it the way we fixed it in the past. The way it was fixed in the past is we raised the payroll tax from about 10.4 percent to 12.4 percent and we raised the base and indexed it. And then secondly, we increased the retirement age from 65 to 67. Also, we taxed benefits for the first time on higher income individuals. We taxed benefits, increased the retirement age, and we raised taxes.

So my question is: If my colleagues do not want to go the personal account route, and if they accept at some point—pick the time—at some point there will be a shortfall in the system, how are we going to solve this problem? What tax are we going to increase or by how much? How much are we going to cut benefits, or how much are we going to tax benefits?

Mr. DURBIN. Mr. President, I think it is an honest question, and it is one we should face honestly. The last time we did, in 1983, Mr. Greenspan's commission came up with a list of recommendations and said: Choose from this chart and you will lengthen the life of Social Security dramatically.

Finally, we came up with a package, as the Senator from Pennsylvania described. A final vote in the House of Representatives included 81 Republicans voting with 158 Democrats. When it came to the Senate, there were more Republicans than Democrats supporting the Greenspan Commission proposal.

Yes, it gets down to basic math, and that is what troubles me about some of the statements made by my colleagues on the floor. It seems we think we can defy the laws of gravity and the laws of mathematics, and it simply gets down to this: If you want to strengthen a program such as this, you are either going to raise taxes, cut benefits, or find some new way to generate money into that system. My colleagues' program is not a way that puts money into the system. It takes money out of the system that then can be invested, that may have a good return, and if it

has a very good return, you are going to be the winner. If it goes soft on you, if you happen to have a bad investment, you are a loser. You have fewer benefits under Social Security, less money from your investments. The risk is there.

But I think we need to get down to basics. The Senator from South Carolina suggested earlier that we might as well have tax cuts; otherwise, we will spend the money. But in the years when we were generating surpluses under President Clinton, before President Bush was elected, we had the largest increase in longevity in Social Security in modern history. In a matter of 3 years, as we are building up surpluses, not spending the money on tax cuts or new programs, Social Security is getting stronger by 8 years because we are being fiscally responsible.

Now with President Bush, with the largest deficits in the history of the United States brought on by a Republican President and a Republican Congress, Social Security is going the wrong way. The latest estimate says it has lost a year in solvency. They are connected.

You cannot take the money and overspend on programs or on tax cuts and not have a negative impact on the Social Security trust fund.

The PRESIDING OFFICER. The minority has 1 minute to address a question to the majority.

Ms. STABENOW. Mr. President, given the fact the President has indicated that the privatized accounts do not solve the solvency problem for Social Security, and given the fact that at this point colleagues have said they are not interested in putting Social Security first before additional tax cuts or new mandatory spending, what would my colleagues' proposals be at this point? Assuming the privatized accounts, as has been said—that is a philosophical difference; folks may or may not wish to privatize Social Security, but it does not add a day to the solvency of the Social Security trust fund.

I ask my colleagues, what would your proposals to protect and secure Social Security be for the future?

Mr. DEMINT. Mr. President, I appreciate the question because I actually do have a proposal. The fact is, if you add personal savings within the current system, you do fix the system permanently. The example on this chart is while right now the traditional benefits are paying 100 percent of our promise, and Social Security is a promise we need to keep—Republicans are committed to it, and the President is, and that is why we are looking at this house that is on a cliff. We want to figure out how to build a foundation that will keep it there for our children and grandchildren.

But if we allow personal accounts to work with the traditional system, when we get out to the year 2045, we not only have a permanently solvent system, we have one that is completely

funded. In other words, it would meet the legal criteria of pension plans today.

I think all of my colleagues know that if corporate America asked us to set up a plan such as Social Security where we take workers' money today, we spend it all, and then we try to pay benefits out of future revenues, we would say no and we would probably put them in jail.

The plans we are talking about eliminate risks. They guarantee a future benefit and they are slanted toward giving the poor a better deal than they have had under the current system. We can design a Social Security system with personal accounts that eliminate risk and help the poor more than this current program and make the program permanently solvent.

My question back to the Senator would be, if the Senator is not for personal accounts—and I guess if the Senator is thinking the trust fund is going to pay benefits after 2017 even though last week the Social Security actuaries in their report said in 2017 payroll taxes will no longer be enough to pay promised benefits, so we will have to start pulling money from the general fund—my question to the Senator is if the Senator does not want to put personal accounts into the system, which we continue to stress we are not taking money out, we are adding new money to the Social Security system, we are saving it in personal accounts, we are welding it to the traditional system so that it will be stronger in the future, how is the Senator going to fix Social Security and pay benefits in 2018?

Ms. STABENOW. With all due respect, I am trying to figure out the new math in my head because the math that the Senator is talking about certainly does not add up to anything that I have seen. I would encourage folks who are watching to go to democrats.gov and use the calculator based on a 6-percent rate of growth that some financial folks put together where they can put in their date of birth and their average yearly earnings and find out for themselves how they would do. So far we have not found anybody who does better under these privatized accounts.

So when one is talking about what we ought to do, we need to start with the reality that the privatized accounts turn Social Security from a guaranteed benefit into a guaranteed gamble, No. 1. Secondly, there is nothing in what the Senator is talking about that has a relationship to what we are hearing about these private accounts.

I said to Secretary Snow in a committee hearing that I understand folks have to pay some of this back, so let me give an example. My daughter is 25. Let us say I give her \$1,000. At retirement I tell her I want the \$1,000 back, 3-percent interest, plus inflation. Is that what you are talking about? And he basically said yes. He did not disagree with that.

What we are seeing is a lot of hocus-pocus, a lot of where is the pea on the table moving things around. Of course, we have nothing specifically in writing yet from the President, which is one of the problems. But what we are seeing is a lot of talk that does not have a relationship to reality. The reality is that for the first time, in 2017 we begin to dip into the surplus that the Senator and I have been paying into as baby boomers all of our working lives. It is a commitment. It is a secured obligation and we are going to pay that to folks.

So the question is, what happens in 2052 when that surplus is no longer available? And if we can take privatization off the table, the Senator has very willing and able colleagues on this side of the aisle who want to work with the Senator to do those things that will secure it for the future.

The PRESIDING OFFICER. The Senator's time has expired.

The minority now has 1 minute to pose a question to the majority.

The Senator from Illinois.

Mr. DURBIN. President Bush created a commission that was stacked to be for privatization and personal accounts, but notwithstanding that the closest option to what the President has described, option 2 from that Commission, says in the first 10 years \$2 trillion would be added to the national debt, in the second 10 years \$4.9 trillion to the national debt. We have asked the administration repeatedly how are they going to deal with doubling America's national debt, doubling our indebtedness to the rest of the world. How can they believe America will be stronger in years to come when America's mortgage grows and America's mortgage holders, Japan, China, OPEC, Korea, and Taiwan, if they end their love affair with the dollar, will sink us by demanding higher interest rates to continue to finance our debt? How can this be fiscally conservative, I ask my Republican friends?

Mr. SANTORUM. I thank the Senator. This is really an interesting question, and I think everyone admits that there is a gap between the amount of money coming in and the amount of money that we are going to need to pay, and that is shown by this cash deficit. The fact is, we have to somehow or another in Social Security bring these two lines together. I think everyone would agree that is the option.

Right now, the shortfall over the life of the program is \$11 trillion between the revenue line and the benefit line—the benefit line being up here, the revenue line down here. How do we bring those lines together, and how do we keep it solvent in the future?

What the President suggested is that if we do some—let us assume it is all borrowing. We cannot make any spending cuts. We borrow up to—again, according to Alan Greenspan—\$1 trillion to \$2 trillion over the next 15 to 20 years to prefund Social Security, just like we prefund every other retirement system

in America. In fact, they are required by law to prefund. We put the money into a diversified portfolio of investments and then that borrowing at the beginning creates an elimination of the \$11 trillion long-term problem. So I would ask, is a \$2 trillion investment now worth saving \$11 trillion and making the system permanently solvent in the future?

I would answer that question with a resounding yes, and we put the Social Security system on stable funding forever and have it supported by ownership. Of course, we all know ownership has its privileges. One of the things is it can be passed to the next generation. One can do better than the current system promises and cannot pay for. Let me repeat that. The promised benefits we cannot pay for for my generation and for future generations of Americans.

What we want to give is ownership to future generations. We want to give them a good chance. This gamble—go to every union pension plan and tell them their union is gambling.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Now my question. I asked this question, Senator DEMINT asked the same question of both of my colleagues, and in neither instance did we get a response. So I will give my colleagues one last try. We asked, what would my colleagues do, what is their plan? I just want to get the transcript. In neither case did either my colleague from Michigan or my colleague from Illinois put forward specifically what increases in taxes do they recommend, what reduction in benefits do they propose, or how much are we going to tax existing Social Security benefits to make up the shortfall. Pick the date as to when my colleagues want to solve the problem, whether they want to wait until 2018 or 2042 or 2052, whatever the case may be. How are they going to solve this problem that at least some on their side of the aisle admit exists?

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I will answer that for my colleague. As Senator DURBIN just said to me on the side, it will not be privatization, and that is absolutely true. The American people, American families, can absolutely count on the fact that it will not be privatizing Social Security.

I would argue that the amendment we put up 2 weeks ago that simply says in the overall budget process, which is the value system for our country, the blueprint, is represented in what we do in our Federal checkpoint. The reality is, if we said we were going to take about 30 percent of what is being given over the next 75 years to those most blessed in this country, who are not worried about Social Security or Medicare or other kinds of opportunities, if we just ask them to take a little bit less, we would be able to secure Social Security for 75 years.

The other thing I would say about the issue of asking folks about pen-

sions, we have all been told by our folks that retirement is about a three-legged stool: Social Security, pension, and savings. When it comes to savings, the risk is with us to save. I believe we ought to create more opportunities for that. When it comes to pensions today for workers, it is becoming more of a risk for the worker, not a defined benefit but a defined contribution.

The leg of the stool that has been secure, that we will fight to keep secure, is Social Security. I will never forget people working for Enron who came into my office 2 years ago, men in their fifties who worked all their lives and played by the rules and invested in their company, and one man with tears in his eyes said to me: Thank God for Social Security. It is the only thing I have left, and I never thought I would be in this situation.

Social Security is not a 401(k). It is not meant to be a pension system. It is America's families' life insurance policy, retirement disability, and survivor's benefits. It has worked now for years and years. The issue is how do we keep it going.

The PRESIDING OFFICER. The Senator's time has expired. The minority now has 2½ minutes to close.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President, and thank you to my colleagues for taking time for this debate. I don't know how much we have lit up the place with our brilliance, but at least we did our very best to explain our points of view.

My colleague from South Carolina uses an interesting analogy of the house sliding off the hill. What they have suggested for that house that is starting to slide off the hill in privatizing Social Security is, before it slides off the hill, let's rip the roof off and start a fire in the kitchen. That is what privatization does. It doesn't create a stronger foundation for Social Security or for that house. It makes it weaker. It weakens Social Security, it cuts benefits, it drives more seniors into poverty, and it creates \$2 trillion to \$5 trillion more in debts.

If you want to make that house stronger, you have to backfill. You have to take the money you took out of the Social Security trust fund, money you took out for tax cuts, money you took out for things we couldn't afford to pay, money that has driven us into the deepest deficits we have ever seen in America under this President. That is how you backfill a foundation to save this house on the hill.

This debate is not about solvency. I think we know now that it is about the legitimacy of Social Security. I believe in it. Most Americans believe in it. It is a safety net we have counted on for almost 65 years and we will continue to count on.

But some of my friends on the Republican side see the world much differently. They have what they call the so-called ownership society. If you can

just own it, then it has to be great. The model of the ownership society is, just remember, we are all in this alone.

But we are not in this alone. When Franklin Roosevelt created Social Security, he said the American family, all workers, will contribute through their payroll to make sure, if all bets fail, if your pension system fails, if you don't have enough in savings, you can always count on Social Security. That, he said, is what the American family needs.

They need it today more than ever. Pension systems are failing. These corporations are going bankrupt and throwing their shareholders and retirees and employees to the wolves. We cannot do the same with Social Security.

We ought to be able to stand together and make even difficult choices, as we did in 1983, when a larger number of Republican Senators joined Democratic Senators to find a bipartisan solution. Privatization is not the answer. Ripping the roof off that house and starting a fire in the kitchen is not going to make it any safer.

The PRESIDING OFFICER. The majority is now recognized for 2½ minutes to close. The Senator from South Carolina.

Mr. DEMINT. Thank you again. I have enjoyed this tonight. Our talk, I guess, has gone in some interesting directions. My opinion is that Social Security is now too expensive to be just an insurance policy. When Americans paid \$60 a year when the program started, yes, maybe it was an insurance policy. But today, with Americans averaging over \$5,000 a year, for many it is their only savings plan. We cannot assume that the average American can save, after we take 12.5 percent of their income, additional money for retirement. We have to transform Social Security into a program that is not only secure but helps people create real savings to build a foundation of the program.

We are as committed to Social Security as you are. In fact, we wouldn't be here talking today if Social Security was secure. In fact, we see that it is running out of money, and the best way to fix it is to save some of the money that we are putting into Social Security.

I know there are plans that don't put people at risk because I have one and several other Republicans do. The plan I have introduced, which has been scored by the Social Security Administration, guarantees that no American will ever receive less from Social Security than is promised by the current system. It gives the poor larger accounts. It reduces the deficit for Social Security by two-thirds. It is a program that makes every American a saver and investor.

In this country today, with so many Americans who do not own anything, the opportunity to own something, and for that ownership to grow in wealth so that they can participate in a country

as our economy flourishes, this is what Social Security can be in the future—just as secure, but it can contain real savings for the first time.

That is all we are asking today. Let's not cut benefits. We don't want to cut benefits. Let's not raise taxes. The problem with Social Security is that the foundation does not include real savings, and that is what we are proposing. Let's save Social Security with real savings.

The PRESIDING OFFICER. The minority is now recognized for 2½ minutes to close.

Ms. STABENOW. Mr. President, I thank you and my colleagues very much. This is an important debate, and I appreciate being able to participate in it.

The President's privatized accounts, we know, will do three things, and that is why my colleagues and I are opposed to the privatized accounts.

First of all, they will greatly increase the national debt. In fact, do you know what folks are going to own with this? Seventeen thousand dollars more in debt for every man, woman, and child in the United States. That is what they are going to own. It is a lot more debt and a lot higher interest rates as a result of this plan. This is a bad idea.

The other thing that doesn't make any sense to me is that right now Social Security, which is retirement—and we do have a secured obligation to make sure that we pay it, but it is retirement, disability, and it is a life insurance policy. For that we pay about a half a percent in administration. On average we are told that it could be upwards of 20 percent, maybe 10, maybe 25, but we are told by the experts, 20 percent in order to administer an annuity or other kind of private account.

One of the things I find interesting is that among folks who are really pushing for this idea around here are those folks who would be paid to administer these accounts. I understand we now have something like five financial services lobbyists for every one Senator now here on Capitol Hill. Certainly there are folks who will make a lot of money from this, but it is wrong. This system works right now and we pay a half a percent.

The final thing I would say is it is estimated that the average person over 20 years, the average retiree, will lose \$152,000 under the approach the President is talking about. This is wrong. This is not better for people. This is, in fact, worse.

I agree with my colleagues, and in fact let me also say I would welcome folks going to my Web site or any of my colleagues' Web sites to learn more about Social Security and the facts. We do need to be working together, not only to secure Social Security for the future past 2052, but we also need to work on those other ideas that create opportunity for people. One of my great concerns is that one-third of the cuts proposed by the President in the

budget are in education. That is opportunity. That is the opportunity for ownership in the future. Why don't we focus on jobs and health care and those things immediately that need to be addressed?

We welcome those debates as well and we welcome working with our colleagues to keep the security in Social Security.

The PRESIDING OFFICER. The time of the Senator has expired. The majority has 2½ minutes to close. The Senator from Pennsylvania.

Mr. SANTORUM. I thank my colleagues from Illinois and Michigan, and my colleague from South Carolina and my colleague in the chair on this debate. I think it was a good and spirited debate. Hopefully, we added a little light to the issue. Let me try to focus a little bit.

The Senator from Illinois used a quote: We are not in it alone. If you are a 20-year-old today, you are feeling pretty lonely because there are only two of you going to be paying for every one retiree. When FDR said that, there were 42, and he could say we are not in it alone. You are pretty close to being in it alone today, and that is why we need a different system, a system that prefunds, that actually uses the money, the surplus today, and saves it for future retiree benefits.

We are not taking money out of the system. We are putting the money, instead of for the Government to spend and giving an IOU to replace it, we are putting it in real assets that will be real benefits when real workers really retire.

Second, I want to comment on the cost of administering the program. The cost of administering the program has been estimated by the Congressional Budget Office, not at 20 percent—I can maybe understand the difference—it is 20 basis points. That is .2 percent, not 20 percent. It is 20 basis points, which is .2 percent of the amount of money. So I believe that is a dramatic difference. It is actually less expensive to administer this system than to administer the current Social Security system.

The other thing I would like to mention, if we can go to the next chart, three times we asked the question, How are you going to fix the Social Security system? The only answer we got was to repeal the Bush tax cuts which, of course, does nothing to the Social Security system because that money is not paid to the Social Security system. So repealing the Bush tax relief would simply put more money in the general fund, but it would have no impact at all, no actuarial impact at all on the Social Security system. So when the Senator from Illinois said we had to make difficult choices in 1983, that may have been the case in 1983, but so far we have not heard word one of the difficult choices that the other side would like to present to the American people.

Several Republicans have come forward with plans, plan after plan after

plan of details of how we are going to save this program, and all we have gotten from the other side is sniping at the plan that we put forward and no answers. If we do not solve the problem—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANTORUM [continuing]. Of what the promised benefits are, we are looking at taxes of 18 to 20 percent if we wait until 2041 or later. That is not a plan fair to future generations.

The PRESIDING OFFICER. The Senator's time has expired.

ORDER OF PROCEDURE

Mr. SANTORUM. I ask unanimous consent there now be a period for morning business with 10 minutes equally divided between Senators CORNYN and DURBIN, and following the use or yielding back of the time, the Senate stand in adjournment as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

COURTHOUSE VIOLENCE

Mr. CORNYN. Mr. President, thank you. I appreciate the opportunity for Senator DURBIN and me to speak for a few minutes.

The purpose for my rising is to follow up on some remarks I made yesterday, Monday, on the floor of the Senate. The full transcript of those remarks, which has to do with judges and recent decisions of the U.S. Supreme Court is available, of course, in the CONGRESSIONAL RECORD, but it is also available on my official Web site for anybody who would care to read it.

As a former judge myself for 13 years, who has a number of close personal friends who still serve on the bench today, I am outraged by recent acts of courthouse violence. I certainly hope no one will construe my remarks on Monday otherwise. Considered in context, I don't think a reasonable listener or reader could.

As I said on Monday, there is no possible justification for courthouse violence. Indeed, I met with a Federal judge, a friend of mine in Texas, this past week to make sure we are doing everything we can to help protect our judges and courthouse personnel from further acts of violence. And like my colleague from Illinois, I personally know judges and their families who have been victims of violence and have grieved with those families. But I want to make one thing clear. I am not aware of any evidence whatsoever linking recent acts of courthouse violence to the various controversial rulings that have captured the Nation's attention in recent years.

My point was, and is, simply this: We should all be concerned that the judiciary is losing respect that it needs to serve the interests of the American people well. We should all want judges

who interpret the law fairly—not impose their own personal views on the Nation. We should all want to fix our broken judicial confirmation process. And we should all be disturbed by overheated rhetoric about the judiciary from both sides of the aisle. I regret that my remarks have been taken out of context to create a wrong impression about my position, and possibly be construed to contribute to the problem rather than to a solution.

Our judiciary must not be politicized. Rhetoric about the judiciary and about judicial nominees must be toned down. Our broken judicial confirmation process must be fixed once and for all.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak in morning business.

First, let me commend my colleague from Texas. I think his remarks yesterday were subject to interpretation which he obviously does not want them to be, and I think he has clarified his position, and I am glad he has.

Some of the quotes in the newspapers were difficult to resolve, and they seemed inconsistent with my knowledge of him, his service on the court of Texas, and his service with me in the Senate Judiciary Committee. I think he would understand, as I do, that I have a personal interest in this issue.

I recommended the nomination of Joan Lefkow to the Federal bench in Chicago. On February 28, a bitter plaintiff in a medical malpractice lawsuit murdered her husband and her 89-year-old mother. Judge Lefkow had dismissed that individual's lawsuit. She was not engaged in judicial activism.

This tragic incident in my home State has been a wake-up call about the need for more judicial security. I met with the Director of the U.S. Marshals Service to discuss it, and sent a letter to the Senate Appropriations Committee today urging that we allocate more funds to protect our judges.

In mid-March, at a trial for rape in Georgia, a man took a gun, killed a deputy, a court reporter, and a judge presiding over the rape trial.

In both of those tragedies, the killers were driven not by political philosophy but by inner demons. Neither of these incidents appear to be politically motivated in any way whatsoever. They were horrible deeds committed by deranged men.

A recent New York Times article indicated that 10 State and Federal

judges have been murdered since 1970. None were related to the judges' politics or ideology. Rather, the murders were committed by embittered or mentally ill litigants in emotion-laden cases, many of which involved notions of self-esteem.

I hope Senator CORNYN's clarification now will make it clear to everyone who has followed this debate that we need to respect our judiciary and its independence, even when we disagree with their decisions. I disagreed strongly with the decision of the Supreme Court in *Bush v. Gore* after the 2000 election. But never, ever did it cross my mind, nor should it have crossed the mind of anyone feeling as I did, that you should take it out on the judges. They are doing their duty. I may disagree with them, but to suggest that they should pay a price for it is wrong.

Notwithstanding what I consider to be a very positive statement made by the Senator from Texas clarifying his position, I am afraid there is another member of Congress from his State who has made even more troubling remarks during the past week. Congressman TOM DELAY is the majority leader in the House. In response to the death of Terri Schiavo, the House majority leader from Texas said:

We will look at an unaccountable, arrogant, out-of-control judiciary that thumbed their nose at Congress and the President.

He went on to say:

The time will come for the men responsible for this to answer for their behavior, but not today.

Mr. DELAY was asked whether the House would consider impeachment against the judges involved in the Schiavo case, and he said:

There's plenty of time to look into that.

This is not an isolated statement by Congressman DELAY. He has said things such as this time and time again. He has said:

It's a sad day for America . . . The legal system failed Terri Schiavo.

According to the New York Times, he said:

Congress for many years has shirked its responsibility to hold the judiciary accountable. No longer.

Earlier this year, Mr. DELAY publicly condemned members of the Ninth Circuit Court of Appeals for "writing laws instead of interpreting laws."

When he was asked a few years ago about Federal judges by a reporter, he said:

I woke up one day realizing the judiciary had turned themselves into a regulatory branch.

We can impeach judges who get drunk, so why not impeach those who get drunk with power?

In 1997, in reference to Federal judges, he said:

As part of our conservative efforts against [this] judicial activism, we are going after judges.

DELAY also said the House Republican leadership was prepared to go after activist judges "in a big way."

Then he went on to say in the *Houston Chronicle*:

For too long we've let the judicial branch act on its own, unimpeded and unchallenged. And Congress' duty is to challenge the judicial branch.

He went on to say in the *Houston Chronicle* in 1997:

I want to bring one (an impeachment) to prove my point. And I want to make sure that one sticks.

He said he and other Republicans had a "whole, big file cabinet full" of judges who may be candidates for removal.

This type of intemperate rhetoric, sadly, does great harm to the reputation of our judiciary, and the relationship between the legislative branch and the judicial branches.

I have felt as strongly, I am sure, as he has about decisions made by judges, but those of us in positions of leadership should be careful about the words we use, and that the actions we threaten are entirely consistent with the law at every moment. What we have heard from Congressman DELAY when it comes to judges crosses that line way too often.

I think we understand that deranged people, for reasons beyond political speeches, beyond differences on political issues, will do tragic things, and often that violence is visited on public servants doing their duty as judges serving America.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, April 6, 2005.

Thereupon, the Senate, at 7:50 p.m., adjourned until Wednesday, April 6, 2005, at 9:30 a.m.